

COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

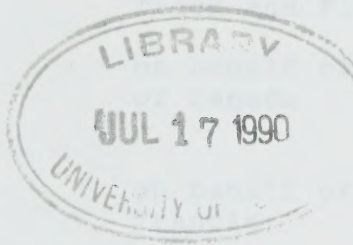
B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON THURSDAY, SEPTEMBER 14, 1989

VOLUME 84

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R. ARMSTRONG, Q.C. Ms. K. CHOWN	on behalf of the Commission
R. BOURQUE	on behalf of the Canadian Track and Field Association
A. PREFONTAINE	on behalf of the Government of Canada
A. PRATT	on behalf of Charles Francis
J. FREEDMAN	on behalf of Wilf Wedmann
P. FOURNIER	on behalf of Jean-Guy Ouellette



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--- Upon commencing:

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Yes, thank you, Mr.

Commissioner.

5 First of all, I apologize to you, sir, and
to others, the delay of nearly half an hour was caused by
me. Unfortunately, a matter arose unrelated to this
witness that just had to be dealt with and --

THE COMMISSIONER: These things happen.

10 MR. ARMSTRONG: Thank you.

THE COMMISSIONER: There is always
something to do. Go ahead.

Good morning, Mr. Ouellette.

15 JEAN-GUY OUELLETTE: Recalled

--- EXAMINATION BY MR. ARMSTRONG: (Cont'd)

20 Q. Then, Mr. Ouellette, yesterday you
described your contacts with Mr. Francis over the years,
and I apologize I may have lost something in your answer,
and I just wanted to ask you again.

I think I did ask you this question already,
but I think you, in response to this question that I am
about to ask you, really described how often you had seen
Mr. Francis over the years. And what I wanted to ask you
25 would you say that as a result of the contacts that you

developed with Mr. Francis over the years that your relationship was a close one, a relatively close one?

5 A. What I can say is that my relationship with Mr. Francis was professional. We were working both in the area of track and field, but from there to say that there was a friendship, no, it was strictly professional in the area of track and field.

10 Q. Then after meeting with the University of Toronto coaches in March that was attended by Mr. Wedmann, Mr. Landry, and Mr. Mach, there was a further meeting I believe between Mr. Francis and Mr. Mach and perhaps also Mr. Landry. And did you also meet with Mr. Francis or talk to Mr. Francis at that time about the drug issue?

15 A. No. As I stated yesterday, the only time I spoke with Mr. Francis was when he called me to ask me to find a way to silence the University of Toronto about the accusations they were making. He would reiterate that the athletes were clean and that the
20 accusations were unfounded.

 As I said, I asked Mr. Wedmann to look into it. I was not present at those meetings. I was given the results of those meetings by Mr. Wedmann.

25 THE COMMISSIONER: May I have that exhibit again, please.

THE REGISTRAR: 271?

MR. ARMSTRONG: I am sorry, Exhibit 271.

If we can just pause a moment while the Registrar gets that.

5 THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

Q. All right. Mr. Ouellette, I just want to ask you to look with me at Exhibit 271 that I put in front of you and tab 13. This was the response of Mr. Wedmann to Mr. Lund's original letter or letters in March, the March 18th letter that was addressed to both you and to him, and the handwritten note that was received on March 22nd by Mr. Wedmann which you said you didn't see until indeed yesterday.

10 And looking at this response, he sets out in the second paragraph the fact that the U. of T. coaches had been met, that they were asked for any evidence and so on.

20 And then in the third paragraph or fourth paragraph he says:

"I also spoke to both Gerard and Jean-Guy who both have a relatively close relationship with Charlie Francis and asked them to ensure that Charlie is aware of

these stories and that the CTFA would act firmly in accordance with our rules if any evidence is produced. I hope that these discussions with Charlie would ensure he realized what is being said about him, and his athletes, and what the consequence would be if any allegations were proven following due process."

Did you receive a copy of this letter?

A. No, I didn't receive a copy of this letter.

First of all, Mr. Armstrong, I would perhaps like to clarify something. I received the letter written by Mr. Lund.

THE COMMISSIONER: Yes, you gave that evidence yesterday. The one you didn't receive was the handwritten copy?

THE WITNESS: That's correct.

THE COMMISSIONER: There was some misunderstanding about that.

THE WITNESS: What I mean to say is I did not receive a copy of this letter from Mr. Wedmann. Mr. Wedmann gave me a verbal report on the meeting. He told me that Gerard had met with Charlie, but I never met with Charlie and I never contacted him to discuss this issue.

MR. ARMSTRONG:

Q. Did Mr. Wedmann indeed speak to you and ask you, together with Gerard Mach, to ensure that Charlie Francis was aware of the stories?

5 THE COMMISSIONER: He might have asked him separately, they didn't have to be together with him.

MR. ARMSTRONG:

Q. Well, did he --

10 THE COMMISSIONER: Ask him.

MR. ARMSTRONG: I am sorry?

THE COMMISSIONER: Did Mr. Wedmann ask Mr. Ouellette.

MR. ARMSTRONG: Yes. Right.

15

MR. ARMSTRONG:

Q. Did he ask you, Mr. Ouellette, to speak to Mr. Francis about the stories that were circulating concerning the use of steroids?

20 A. Mr. Armstrong, I couldn't answer you. I don't remember having a conversation with Mr. Wedmann where he asked me to meet with Mr. Francis.

Q. All right. Now, Mr. Wedmann, the President of your organization, he describes your relationship with Charlie Francis as relatively close.

25

You have not described it that way. Could, however, one have the view that at least in professional terms or in track and field terms that Francis was a close colleague?

5 A. Again, I will repeat what I said yesterday. When I was elected Chairman of the organization, one of the mandates that I had given to myself was to try to bring coach Charlie Francis back into the fold.

10 And here, of course, I can't speak for Mr. Wedmann when he talks of a close relationship. I think that it would be with this in mind.

15 Q. Then I wanted to take you to the summer of 1988 at the national championships in Ottawa. And you have been here, I think, for most if not all of the evidence concerning the discussion that took place on the Sunday of the championships concerning the eligibility for Mr. Dajia to compete at the dual meet in Italy following the national championships.

20 So, I don't think it is necessary to capsulize what that evidence has been, but zeroing in on that meeting, a number of other witnesses have said that you were at that meeting. And were you at the meeting that took place at the picnic table near the press tent concerning the --

25 THE COMMISSIONER: We have --

MR. ARMSTRONG: -- eligibility of Peter Dajia.

THE COMMISSIONER: We have heard everything about that picnic except the menu, I think.

5 MR. ARMSTRONG: That's right. Well, actually after Mr. Ouellette testifies, I am going to call the manufacturer of the picnic table at the request of Mr. Bourque.

10 MR. ARMSTRONG:

Q. Just I wish you would say you weren't at the meeting, but I guess you are not going to. Were you at the meeting?

15 A. I will answer your question partially. Yes, I was at that meeting, but only for a part of the meeting. I had to leave at some point to go and hand out the medals to the winning athletes, but, yes, I was at the meeting for awhile.

20 Q. All right. What is your recollection, first of all, of who was there when you were there?

A. Mr. Savage, Mr. Dupre, Mr. Gray and myself.

Q. Mr. Savage, Mr. Dupre, and you. And was either -- was Mr. Gray there --

25 THE COMMISSIONER: He mentioned Mr. Gray.

THE WITNESS: Yes, Mr. Gray was there as well.

MR. ARMSTRONG:

5 Q. All right. And during the period -- and for what period of time were you there approximately, do you remember?

10 A. Hard to say how long I was there. I know I was there for awhile. I really couldn't say how long, but I was there for part of the meeting and in discussions with Mr. Gray as to the status of the athletes.

15 Q. I take it that you agree with others that the principle topic of discussion was the issue of the eligibility for Dajia to compete in an upcoming international meet in light of the lifetime ban imposed by Sport Canada and how that would be dealt with?

20 A. That's correct. There was discussion at that point -- first of all, Mr. Dajia had received permission to compete from the international federation and from our association.

25 At that point we had to see whether he would be reinstated by the Canadian government. We explained to Mr. Gray that the only way to achieve this end was to go directly before the Minister and that was what was

discussed at that famous picnic table.

Q. All right. Then, Mr. Ouellette in August of 1988 --

THE COMMISSIONER: Before we leave that
5 subject, it is my recollection that Mr. Findlay gave evidence that Mr. Dajia had threatened him, apart from what was said at the picnic table, that unless he was permitted to compete internationally he, in colloquial terms, would blow the whistle on the world's fastest man.

10 Did Mr. Findlay ever report a conversation to you that he had with Mr. Dajia.

THE WITNESS: No, Mr. Commissioner.

THE COMMISSIONER: Thank you.

15 MR. ARMSTRONG:

Q. All right. Going back to meeting of at the picnic table in August of '88, at that time did you actually personally know Peter Dajia?

A. No, sir.

20 Q. All right.

THE COMMISSIONER: Go ahead, Mr. Armstrong, I am sorry I took you off your course.

MR. ARMSTRONG:

25 Q. All right. So, then let me -- well,

just out of an abundance of caution, I take it was there anybody else at the meeting who was present that you didn't recognize or didn't know or have we got your complete list?

5

A. No, sir.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

10

Q. All right. Then, yesterday when I was asking you about your information over the years concerning the use of anabolic steroids by track and field athletes and particularly Canadians, you have said that like others you were aware of what was being said about the throwers.

15

And over the years, particularly in the early years that you were Vice President from I think 1977 to 1982, had you heard the same rumours that I think most people had heard about Bishop Dolegiewicz that he was one of Canada's leading throwers, and also almost any witness that we have had had who has any knowledge about the throwing events in those years has testified in some way or another about their belief or their knowledge about Mr. Dolegiewicz.

20

25

5 A. Yes. Certainly during that period
when -- when I was saying yesterday that at the beginning
of the 80's there were certain suspicions about some of
the throwers, of course I meant that Mr. Dolegiewicz was
one of those individuals.

10 Q. Then we've heard some evidence, Mr.
Ouellette, that Harold Willers, a hammer thrower, had
tested positive in June of 1985 and I know that you had no
official capacity with the organization at that time and
it was not until a year later, in June of '86, that you
took up your current position, but did you become aware
that Harold Willers, a hammer thrower, had tested positive
in June of '85?

15 A. Yes.

 Q. And were you aware that many people in
fact were amazed that Willers, indeed, was a person who
had used steroids?

 A. No. I was not aware -- could you
repeat the question, please?

20 Q. Well, we've heard evidence -- and I've
just lost -- I think it maybe was Tom MacWilliam who
said -- and I may have that wrong, but I don't think so --
MacWilliam said that he, for example, was surprised that
Williams had tested positive.

25 THE COMMISSIONER: Willers, not Williams.

MR. ARMSTRONG: MacWilliam?

THE COMMISSIONER: You said that Williams had tested positive.

5 MR. ARMSTRONG: Oh. That Harold Willers had tested positive.

10 THE WITNESS: No, I really can't say whether I was surprised or not. As I told you yesterday, between '83 and '86 I was a little bit removed from the scene of Canadian Track and Field. During those years I was more involved with the CIAU and I really can't say whether I was surprised or not because I didn't know the individual.

MR. ARMSTRONG:

15 Q. All right.

20 Then in June of 1986 at about the time that you took over responsibilities of -- as the chief executive of the organization, as its chairman -- we, of course, have already talked about the fact that Mr. Dajia, Mr. Gray and Mr. Spiritoso, all leading Canadian throwers, all tested positively at the National Championships -- you would, of course, have been aware at that time that both in the Willers case and in the Dajia, Gray and Spiritoso case, that all of those positive results were yielded as a
25 result of tests being done at actual competitions,

correct?

A. Yes.

Q. And I take it that you would have known at that time, by reason of all of the work that the organization had done to develop an out-of-competition testing policy, that these positive tests thrown up at competition were likely just the tip of the iceberg. Would you agree with that?

A. Yes, I think that in 1986 we realized that something had to be done as soon as possible, that we had to set up our out-of-competition testing as soon as possible.

I think that those three positive tests, plus that of Mr. Willers, made us realize that something had to be done and quickly. But I must say that our doubts at that point were -- at that point, I repeat -- were more focused on the area of throwing.

Q. Then I want to move you away from throwing, then, and take you up to January of 1988 or thereabouts.

Now, some witnesses have testified, certainly more than one, that in the winter of 1988, particularly January of 1988, that the muscle development, for example, of Mark McKoy -- and particularly Mark McKoy, but in some instances others have said the muscle

development of Desai Williams -- was quite remarkable, and as recently as a couple of weeks ago Mr. Findlay said he made that observation at an indoor meet in Ottawa concerning McKoy.

5 Now, did McKoy and Williams run at your meet in Sherbrooke in the winter of 1988?

A. Yes.

10 Q. And did you at that meet in Sherbrooke make any similar observation that, My goodness, Mark McKoy is really quite large and his muscle development is, is quite defined?

Did you make any observation like that?

A. Yes.

15 Q. And when you talked, then, to Charlie Francis in March 1988 and you had this angry telephone call from him where he in effect told you to tell those people from U of T to shut up or he'd sue them, did it ever occur to you then to say, Well, look, Charlie, there are a lot of rumours going round but, you know, there's McKoy, there's Williams, they have just rejoined your group and all of a sudden they are walking around looking like the Michelin Man -- indeed, people were describing Mark McKoy in those terms, as the Michelin Man.

20 Did it ever occur to you to say, Well, what is going on, Charlie? Did you pursue that with him?

A. Look, I told you yesterday that when I received the call from Mr. Francis, my first reaction was to tell him that I would see to it that a meeting would be held with the University of Toronto people to try to assemble facts, if facts there were.

I did not question Mr. Francis or mention that his athletes looked like people who were using training methods which were not allowed. As I said yesterday, during that entire period, Mr. Francis was going around the world telling people that one of his training methods was muscle development. And Desai Williams and Mr. McKoy had returned from the '87 Worlds with Mr. Francis.

So even if I had any doubts in my mind, I had other kinds of doubts which were saying, Well, is it that Charlie's training programme that is accounting for the muscle development?

So I was caught between a rock and a hard place. I really didn't ask Mr. Francis a question. I said that we would enquire, and that's what we did.

Q. When you say that McKoy and Williams returned from the 1987 World Championships with Francis, what you mean is, I take it, that after the 1987 World Championships in Rome, and after the great success of Ben Johnson in setting a new world record, both McKoy and

Williams decided to return to Francis, because that's what --- because that's what the evidence is, correct?

A. That's correct.

Q. And it was not then until the fall
5 training season of 1987 that they went back into the Johnson fold, and even accounting for the fact that Francis had these unique weight training methods, as you may have perceived them, it must have entered your mind that for Mark McKoy to develop the kind of physique that
10 he developed in just a matter of weeks -- months, if not weeks -- that it was aided by the use of anabolic steroids? Did that not occur to you?

A. First of all, I must say that it's not merely a question of weeks, Mr. Armstrong. We are now in
15 March of 1988, and both McKoy and Williams joined Charlie's group in September of '87. It's not a mere matter of weeks. You are dealing with months, almost six months.

However, I did have my doubts, but I had my
20 doubts as to whether they were using disallowed training methods, but on the other hand you had a coach going around the world telling everybody that the basis for his training method was muscle development.

Moreover, we didn't have any evidence to the
25 contrary. So we acted the way we did, given those ---

Q. Doesn't it come down to this, Mr. Ouellette, that your position really is identical to that of Mr. Wedmann's, that in the absence of hard evidence being made available to you, that the only approach that you were prepared to take at that time was simply to further refine and develop whatever the procedures were under your out-of-competition testing policy and to put that in place, whenever that was going to happen?

A. The main objective was to set up the out-of-competition testing procedures. That was our main priority.

Outside of that method, the only way to do something was to have proper evidence, was to have people who would sit down with us and help us prepare evidence which would have helped us to mount an investigation and thereby go further. Otherwise a year ---

THE COMMISSIONER: Well, Mr. Desai Williams offered that very type of approach and Mr. Wedmann turned it down?

THE WITNESS: I really have nothing to say on that point, Mr. Commissioner.

THE COMMISSIONER: Oh, you weren't there then.

THE WITNESS: I wasn't there.

THE COMMISSIONER: You weren't told about

that, I'm sorry. And you weren't told about Mr. Findlay's discussions with Mr. Steen?

THE WITNESS: No.

THE COMMISSIONER: All right.

5 THE WITNESS: I was also going to say, Mr.

Armstrong, that you must remember -- I said it several times yesterday -- that in 1986 we had athletes who had tested positive, we had all the evidence we need, and those athletes sued us.

10 So without positive test results, without concrete evidence, without out-of-competition --- without drug controls, there was absolutely nothing we could do.

THE COMMISSIONER: I think we've covered that area, Mr. Armstrong.

15 MR. ARMSTRONG: I'm sorry?

THE COMMISSIONER: I think we've covered this area before.

MR. ARMSTRONG: I think so.

20 Q. Finally, let me just ask you this. Did it ever occur to you during the course of your chairmanship from 1986 to the time of the Seoul Olympic Games that there was indeed a drug crisis in your sport that needed to be dealt with immediately rather than await
25 the implementation of your out-of-competition testing

programme?

A. Mr. Armstrong, again I repeat to you, the only way to face the problem and to attack it head on was to have the required tools.

5 Our tools would be the out-of-competition drug testing. We did not have that tool at our disposal, and during my chairmanship I can say that as of 1986, everyone -- I think that you know that this topic came up on every single agenda at every meeting. We had
10 consultations, as we would do for any other policy within the organization.

I think we did everything that was humanly possible to try and come to a solution to the problem. But it didn't happen before the Seoul Olympics.

15 MR. ARMSTRONG: Those are all the questions I have, thank you, Mr. Commissioner.

THE COMMISSIONER: Thank you. Mr. Fournier, do you have any questions at this stage?

MR. FOURNIER: None at this stage.

20 THE COMMISSIONER: Mr. Bourque? I guess not. Mr. Freedman? Do you have any questions, Mr. ---

MR. BOURQUE: No, Mr. Commissioner, Mr. Fournier is just saying to me he may at the end ---

THE COMMISSIONER: Yes, he understands the
25 rule. Mr. Freedman?

--- EXAMINATION BY MR. FREEDMAN:

Q. Mr. Ouellette, my name is Freedman and I represent Mr. Wedmann.

5 You've told us you became chairman of the board in June of 1986?

A. That's correct.

Q. And at that time, Mr. Wedmann was already president, is that correct?

A. Yes.

10 Q. Because he became president in February of 1986, I believe, is the evidence we have?

A. I believe so. I couldn't state it for sure but I believe so.

15 Q. And I take it that in your capacity as chairman you worked with Mr. Wedmann throughout the period of time you were chairman and prior to his resignation effective June of '88?

A. Yes.

20 Q. And you worked with him because, as president, Mr. Wedmann was responsible to the board of directors of the CTFA, of which you were chairman?

A. That's correct.

Q. And can I take it that you worked with him on a number of issues?

25 A. Yes.

Q. The use of banned substances by athletes was one of those issues?

A. Yes. That's correct. During the entire period.

5 Q. But there were many others as well?

A. Of course. A lot of other subjects that we dealt with together.

10 Among them I believe that one of the areas that Mr. Wedmann and I worked at, with the assistance of other members of the Association, was to bring to the international level the change in the age category for female juniors. And Mr. Wedmann was instrumental in the preparation of the evidence that we would bring before the International Federation.

15 Q. Dealing with the issue of substance abuse by athletes, it was Mr. Wedmann's evidence that he had a concern for due process, for fairness, in addition to the athletes who were being accused, and for getting a consensus and agreement among the various constituents within the CTFA for how to deal with the problem.

20 Can I take it from what you've said this morning and yesterday that you agreed with that approach?

A. Yes. Not only did I accept the method of consultation or the way that Mr. Wedmann did things, but the entire board was in agreement to consult before we

25

would set up any out-of-competition testing procedures.

Q. It was Mr. Wedmann's evidence that, given the structure of the CTFA and the diversity of the groups that comprise it, that that was --- that it was
5 necessary to take that approach, and I take it as well that you agree with that assessment?

A. Of course. The CTFA, as any other Canadian sports organization, is run by volunteers and by permanent staff. The volunteers come from all over the
10 country, and they request that they be consulted before any policy is set up.

And that is how we dealt with the whole out-of-competition testing issue, as we did with the policy and anything to do with the Canadian championships,
15 we followed the same steps for both policies, among many others.

A. So, what we did with the out-of-competition testing was no different than the measures we would take to set any other policy for the association.

5 Q. You have expressed this morning and yesterday your concerns about the litigation that was brought if you took steps that weren't in accordance with iron clad policies, if you will. Would it be fair to say that you discussed those concerns as well with Mr. Wedmann
10 who also had those concerns?

A. Of course.

Q. Part of the reason was you couldn't as an association keep affording to pay for Mr. Bourque or my partner, Mr. Laskin, every time there was a challenge to a
15 positive test?

A. That's correct. Our association receives, I think everyone knows this, a large part of our revenue comes from the Canadian government and the rest comes from our members. So, when it comes down to
20 choices, I don't think that we have a whole lot of money in our budgetary preparation to set aside for legal fees.

Q. So, as reasonable as our fees were, you just didn't have --

25 THE COMMISSIONER: I am not sure we should discuss that.

MR. FREEDMAN:

Q. But you didn't have -- you were tight and you didn't have that kind of money to spend?

5 A. When I assumed the Chairmanship of the association, the association had accumulated a deficit of \$85,000.00. So, the objective was, of course, to reduce the deficit year by year. Of course, I didn't succeed because the deficit has increased markedly.

10 THE COMMISSIONER: I am rather puzzled by this line of questioning because the -- what is being said, rightly or wrongly, that there is no even start or making an investigation never alone pursuing it. And I think it is hardly unfair -- hardly out of place to suggest that a concern about possibly legal action is
15 justification for not taking action if it should have been taken.

MR. FREEDMAN: Well, I just think it addresses the issue of the mindset at the time as to what avenues were worth pursuing because --

20 THE COMMISSIONER: It depends what the investigation would disclose.

MR. FREEDMAN:

25 Q. Well, Mr. Ouellette, on that point then, in addition to --

THE COMMISSIONER: There was no investigation.

MR. FREEDMAN:

5 Q. Well, in terms of tightness of monetary resources, would it be fair to say as well that given the number of rumours that were circulating and about which you have testified that you didn't have the manpower to chase down every rumour that came to your attention?

10 A. Well, to say that we didn't have the manpower I don't think that I would be ready to say that. What we didn't have was concrete proof that would let us go any further.

15 Q. To sum up your approach to the policies and procedures for out-of-competition drug testing, would I have it or put it to you fairly that you wanted to have procedures, that you wanted out-of-competition testing, but you wanted it done right and you wanted it done so that it would be airtight and not subject to challenge?

20 A. That's correct. I think that Mr. Savage stated it during his testimony. We wanted to set up a policy which would be complete where -- which would be airtight, where there would be no loopholes. And that is what we were aiming for, and that was what we were
25 working towards in the year that we worked on that

project.

Q. Having worked with Mr. Wedmann on that project, what assessment, if any, did you make concerning his efforts and intentions to deal with the issue of
5 banned -- the use of banned substances by Canadian track and field athletes?

A. Well, I must tell you that Mr. Wedmann was following the objectives that we had set; namely, that we should be able to find out who was cheating within the
10 organization.

Q. Did you make any assessment of the sincerity of his efforts to try to deal with the issue of the use of banned substances in the sport?

A. Again during the period when I worked
15 with Mr. Wedmann, he was always a man full of integrity and completely sincere.

Mr. Wedmann completely met the requirements set for him by the Board. And he always wanted that the evidence given to us would be solid and which would
20 therefore allows us to go further.

We didn't -- weren't able to get the evidence despite the rumours. We did everything we could to get it. And we did everything we could to the best of our ability at the time.

25 MR. FREEDMAN: Thank you. Those are all my

questions, Mr. Commissioner.

THE COMMISSIONER: Thank you. Mr. Pratt.

--- EXAMINATION BY MR. PRATT:

5 Q. Good morning, Mr. Ouellette, I won't
introduce myself.

Sir, do you recall -- I recall you being in
the hearing room when Mr. Francis testified. Is that
true?

A. Yes, I was here.

10 Q. And do you recall his evidence about a
document issued by the Canadian Track and Field
Association in 1985 called Project 2000?

A. Yes.

15 Q. Are you aware of that document
yourself, sir?

A. No, not really since at that point I
was not within the association.

20 Q. All right. His evidence was, I think,
that it was some type of a publication which I don't
believe has been filed here or produced by the Canadian
Track and Field Association that indicated its goal to
make Canada the number one track and field country in the
world by the year 2000.

25 Regardless of what it's called, are you
aware of any document by the CTFA with that goal?

A. Yes, I do remember having seen a document which was written around 1985, but my memory doesn't -- nothing comes to mind really. I don't remember seeing that we were aiming to be number one in the world.

5 At that point, we were saying that we wanted to be in the top eight, but I don't think the document stated that we wanted to be number one. But, again, since I wasn't with the association during those years, what I am saying is just from memory with you, but I am not
10 willing to affirm that that's the case.

Q. Okay, that's fair, sir. I simply wanted to find out, you have been the Chairman from 1986 until the present. I am just trying to determine what your perception is of the goal of the Canadian Track and
15 Field Association was in relation to other track and field countries in the world?

THE COMMISSIONER: As of when? As of '88 or '87?

MR. PRATT: Pardon me?

20 THE COMMISSIONER: The goal, you are talking about the goal that was stated in 1985, are you?

MR. PRATT: That's right.

THE COMMISSIONER: Is it during his period of presence here or just what?

25 MR. PRATT: Yes, during Mr. Ouellette's

tenure as Chairman what has been the goal? Has it changed? What has it been?

THE WITNESS: The discussions that were held at board level were to the effect that we were trying to bring Canada to rank amongst the top eight in the world. That was our objective during the three years that I chaired the organization.

MR. PRATT:

Q. Okay. Thank you. Do you know where Canada was in 1986 in relation to the other track and field countries in the world?

A. I couldn't answer.

Q. Well, would it be in the top 20?

A. Oh, yes, we were in the top 12. As far as I remember I think it was 12th or 13th, maybe 11th. I don't know. I am really not sure.

Q. Do you have any assessment by the time of the Seoul Olympics where you would rank Canada in relation to the other top track and field countries in the world?

A. These are very technical details which I don't usually pay any attention to so I really couldn't answer.

Q. Well, during the three years that you

were the Chairman, up until that point, had Canada improved in your mind in its ranking in track and field countries or had it stayed the same, or had it declined?

5 A. No, of course we improved. But you can see today why we improved.

Q. These rankings, I take it, you would agree are measured by records, world records, national records, medals at international competitions, and things such as that?

10 A. There are all kinds of ways to measure what Canada's standing would be in the world. But I think that what is recognized is the ranking given by the statisticians associations.

15 I think Mr. Smith spoke of the ATFS which annually publishes world statistics and that is based on the number of athletes which would rank among the top 100 in the world.

20 It is not really using the world records, it is rather -- it is using the 100 top athletes in each of the areas, but again, as I said, these are really technical details that don't particularly interest me. So, that's why I can't give you a more complete answer.

25 Q. But essentially between 1968 and -- sorry, 1986 and 1988, you would agree that Canada improved as a track and field nation?

A. Yes.

Q. And you would agree with me and I think you said that we now know the reason why, and I took that to be a reference to Mr. Francis' athletes' success which were partly assisted by banned drugs?

A. That's correct.

Q. Now, you made a reference yesterday, sir, that Charlie Francis was the best coach in the world, and I wasn't sure whether that was your opinion or a general assessment of other people in the field. And I wonder if you can clarify that?

A. That was his own opinion of himself.

Q. Oh, his opinion?

A. It was Charlie Francis' opinion.

Q. Was it an opinion of anybody else as far as you knew?

A. Well, I mean to say that he was the best in the world, I don't think that anybody in Canada was saying that, but to say he was a good coach, yes, he was recognized as a very good coach in the world, but he was saying that he was the best.

Q. I see. Now, when you talked with him about the random testing program in Great Britain and other subjects related to drug use as you told us yesterday, did you have the feeling that he knew what he

was talking about?

A. I don't think that I said that yesterday. I spoke about the problems in Great Britain, but I didn't say that I had mentioned any other problems
5 dealing with the use of drugs. I don't believe that that's what I said.

What I said is that we discussed the rumours circulating in Great Britain, that is true.

Q. Did you have discussions about any
10 other drug-related issues at the same time?

A. No. I told you yesterday that we were dealing with drug testing. I was asked when our policy would be implemented and I was told about the problems which existed in Great Britain, and that's all.

Q. He didn't tell you anything else?
15

A. No, sir.

Q. Did you have a sense that he had a particular interest in this subject?

A. As I said yesterday, I think that he
20 was so convincing that I felt that he was particularly interested in our out-of-competition testing policy, he wanted it to be airtight and to avoid the problems which existed elsewhere.

Q. So, you told us yesterday you came to
25 the conclusion or the belief that he, in fact, was

advocating in favour of out-of-competition testing?

A. At that time, yes.

Q. How could you draw that conclusion, sir? What in his conversation led you to believe that he was advocating for an immediate or airtight implementation of out-of-competition testing?

A. Mr. Pratt, I think that you must know about it because when Charlie wants to be convincing, he is convincing.

Q. I am trying to understand the logic in your conclusion, not so much discuss Mr. Francis' character. And it seems -- I suggest to you, sir, that if he is telling you about problems of other -- in other countries or one other country about random testing and the abuses, I wonder how you come to the conclusion that he is advocating in favour of airtight out-of-competition testing in Canada.

MR. BOURQUE: With respect, Mr. Commissioner, the transcript of Mr. Francis' evidence on that conversation is perfectly clear. And I refer my friend to page 4234 of the transcript where Mr. Francis said:

" And I went to him, repeated the stories that I have told you now and other stories. I explained the situation that I could

understand random testing if in fact it was truly honest, and was truly universal, and if in fact we could expect that all of the athletes in the world would unilaterally disarm, I guess would be the best analogy, but I could not agree that it would be a reasonable course of action for Canadians to take an action unilaterally ..."

THE COMMISSIONER: That's right. He was opposing, according to his evidence, the program which was being considered by the CTFA which was at that time an unilateral action.

MR. BOURQUE: Yes.

THE COMMISSIONER: Somehow Mr. Ouellette got the impression that he was favouring unilateral action by Canada.

MR. BOURQUE: No, no, the question from Mr. Pratt was, I believe, and I stand to be corrected, I am sure he will let me know, the question was how could Mr. Ouellette infer from that that Mr. Francis was in favour of an airtight policy.

THE COMMISSIONER: But he didn't want to -- he didn't want Canada -- to use his language -- Canada to disarm. That was his thesis.

MR. BOURQUE: I quite agree.

THE COMMISSIONER: Go ahead, Mr. Pratt.

MR. PRATT: Thank you, Mr. Bourque, I appreciate the clarification.

THE COMMISSIONER: That was what was being
5 considered by the CTFA at that time.

MR. BOURQUE: I quite agree with that, too.

MR. PRATT:

Q. Sir, did you come -- as a result of
10 this conversation, did you come to the opinion that Mr. Francis was in favour of unilateral random out-of-competition testing by Canada?

A. I really couldn't say whether I concluded that Mr. Francis wanted testing which would
15 apply solely to Canada, but I know that we wanted a drug test that would start here in Canada and that then the method would then spread throughout the world.

Q. I will move on to another area. I don't have a note in front of me, but I think you told us
20 yesterday when you first recall having met Mr. Francis or if you didn't say that, could you tell us when you first met Mr. Francis?

A. I did say this yesterday. Since I was responsible for the meet in Sherbrooke, I met Mr. Francis.

THE COMMISSIONER: In '81. I think, you
25

said '81.

THE WITNESS: '81 -- '80, January of 1980.

THE COMMISSIONER: 1980.

5 MR. PRATT:

Q. Do you recall some technical meetings in, I believe they were in Sherbrooke, in 1979 preparing for the national championships? They may have been 1980 at which you were present and Mr. Francis was present?

10 A. In 1979 that would be quite surprising since in 1979 I wasn't in Sherbrooke. I arrived in Sherbrooke in December of 1979. The Canadian Championships were held in Sherbrooke in 1979, but I did not participate in the organization of that championship
15 in 1979. At that point, I was working in Montreal.

Q. So, are you saying you were not present at any technical meetings preparing for those championships?

A. Not in 1979, no.

20 Q. Do you remember, perhaps the date is wrong, do you remember technical meetings for any national championships where an issue arose as to certain long jumpers who were not going to be allowed to compete because they had not met the performance standard even
25 although they had already traveled to Sherbrooke for the

meet?

A. I don't remember that. And I must add, Mr. Pratt, that when I became involved in the organization of the Canadian championships or meetings, I had nothing to do with the technical aspect. We had a technical director who was in charge of the technical committees, and I was not always at those meetings. So, I really don't remember this point.

Q. Was that Mr. MacWilliam?

A. I don't know -- wait, wait, no, what I mean is when you were organizing an athletic competition, you have the director of competition, you have a technical director, and you have an administrator.

On the technical side, usually they are members of the local organizing committees, and the technical director of the CTFA would always be there. As to whether Mr. MacWilliam was there, I don't know. So, I can't answer you.

Q. I think you said that the first time you recall having any dealings with Mr. Francis was in 1981 in relation to your indoor meet in what, January of that year?

A. That's correct.

Q. Do you recall that on that occasion providing some assistance to Mr. Francis' group of

athletes?

A. Yes, every year we have provided financial assistance to athletes of Mr. Francis' group to allow them to come to the Sherbrooke meet.

5 Q. Is that a normal practice for a meet director? Is that something that you especially consider --

A. No. All competition directors help the athletes to come to invitational meets whether Canada, the
10 States, Europe, it is always done the same way.

Q. In the spring of 1982, it is my information that you helped Mr. Francis and his group arrange a training camp in Sherbrooke?

A. Yes, that's true. In the spring of
15 1982, the sprint team did come to train at the University of Sherbrooke for one week, yes. But as to helping him, we didn't help him financially. We put our facilities at his disposal.

Q. So, they didn't have to pay for
20 accommodation?

A. Oh, yes. Oh, yes, the association paid for food and lodging and we put the training facilities at their disposal.

Q. Do you recall, sir, in December of 1985
25 shortly before the meet, which would have been in January

of 1986, a conversation with Mr. Francis regarding Ben Johnson and his possible participation in the meet?

A. Every December I had a discussion with Mr. Francis about the participation of all of his athletes, including that of Mr. Johnson.

Q. Do you remember specifically Mr. Francis asking you why Ben Johnson hadn't been invited to the meet?

A. No.

Q. If I were to tell you that Mr. Francis' -- the information he provided to me is that you told him that you couldn't afford Mr. Johnson because of the small seating capacity of your stadium and you didn't want to make him an insulting offer. Would that refresh your memory?

A. Look, the Sherbrooke meet has always been one -- first of all, in our stadium, there are only a thousand seats. And when I was talking with Mr. Francis or with any other athlete or American athletes, we told them that we were unable to meet the requirements in a way as they could be met in meets, for example, in Hamilton or Toronto.

So, as to whether I told Mr. Francis that I couldn't meet Mr. Johnson's requirement, no, I don't think I said that.

What I told Mr. Francis, rather, perhaps is that it would be unthinkable for Mr. Johnson or the Mazda club to try to demand from us what they demanded elsewhere given our facilities and given the number of seats
5 available in the stadium.

THE COMMISSIONER: I am not sure how relevant this is.

MR. PRATT: Well, sir, I am trying to just to get a couple of more points to show the ongoing
10 relationship.

THE COMMISSIONER: I understand.

MR. PRATT: There may be a disagreement between Mr. Ouellette and Mr. Francis as to some of these facts.

15 THE COMMISSIONER: All right.

MR. PRATT:

Q. It is my information from Mr. Francis that, in fact, you had not wanted to make an insulting
20 offer to Mr. Johnson and that he had called you back and said "make your best offer and I will make sure that Ben comes" that doesn't -- you don't recollect that?

A. No --

25 THE COMMISSIONER: Did he come? Did he come?

THE WITNESS: Yes, yes, he did come.

MR. PRATT: Yes.

THE COMMISSIONER: So, he came at an
honorarium lower than what he would normally command
elsewhere?

THE WITNESS: Oh, absolutely, Mr.

Commissioner, because every year whether we were dealing
with Canadian athletes or American athletes, coming to
Sherbrooke they had to --

THE COMMISSIONER: I think the point Mr.
Pratt is making is in that way wasn't Mr. Francis rather
befriending you and befriending your meet?

THE WITNESS: At that point in time, Mr.
Commissioner, all of the athletes were friendly towards me
because all the athletes required a lot less to come --

THE COMMISSIONER: No, here he has got a
big star who could command a big appearance fee and he is,
because of what is being suggested to you, is because of
your relationship, he would send his star into a small
town I don't say this -- into a smaller town with a
smaller audience than he normally commands.

THE WITNESS: Mr. Commissioner, Mr. Johnson
was the hottest athlete, but the Sherbrooke meet also
attracted athletes such as Dwight Stones, athletes such as
Romanian participants. So --

THE COMMISSIONER: It was a prestigious meet, in other words. It was a prestigious meet.

THE WITNESS: I think that Sherbrooke's strength were the facilities. We had a 200 meter track as opposed to 133 meter track which you find in other indoor tracks. And, of course, the quality of our organization.

MR. PRATT:

Q. In any event, you would agree in 1986 and in other years Ben Johnson and the other members of the Mazda group did appear at the meet in Sherbrooke for a substantially decreased appearance fee?

A. Mr. Pratt, that happened every year, every year they would appear at -- for an amount substantially less than other meets.

Q. Now, can you just tell the Commissioner what your philosophy was regarding the appearance fees of Canadian athletes as compared with foreign athletes at the Sherbrooke meet?

A. At the Sherbrooke meet, we wanted to invite as many Canadian athletes as possible in comparison to the number of American athletes. We tried to invite two athletes per category of international renown or caliber and for the other areas we invited as many Canadians athletes as we could given the budget we had.

The Sherbrooke meet had a budget of \$100,000.00 while the one in Madison Square Gardens in New York just for appearance fees they had a \$1 million budget.

5 Q. It is my information from Mr. Francis that you were very proud to be able to offer Canadian athletes the same level of appearance fees as a foreign athlete at the same level would obtain?

A. That is what we always tried to do.

10 Q. All right. And I would you agree with me that that's not always the practice of Canadian meet directors?

15 A. I don't want to answer for other meet Directors. I think that in Canada they tried to invite as many Canadian athletes as possible and I really can't say how things are done for other competitions.

20 Q. But if other Canadian meet directors didn't follow your policy and paid Canadians at a lower rate, it would be understandable that athletes and coaches would feel rather well disposed towards you and your meet; wouldn't that be fair?

25 A. No, I don't think so. The organizing committee we had gave me a mandate to invite the largest number of Canadian athletes possible and not only Canadians the priority was to try to have first of all the best athletes in the Province of Quebec, the best athletes

we could invite in the area of Sherbrooke, who were at a level to face international competitors we invited them as well. So, it was our philosophy here in Canada first and then some athletes from the international level. We never
5 tried to have competitions where there would be only international level athletes.

Q. Sir, you were recently at the meeting of the IAAF, I think it was in Barcelona, was it?

A. Yes.

10 Q. And there were some quotes in the press, I don't have them in front of me, but I thought your comments might be useful for the Commission to hear itself directly. And I wonder if you might give your reaction to the decision that was made about by the IAAF
15 in relation to Ben Johnson and other athletes who admit to the use of taking anabolic steroids.

THE COMMISSIONER: We are going to cover that. I think Mr. Dupre is going to cover that.

MR. PRATT: Mr. Dupre is going to cover
20 that.

THE COMMISSIONER: Yes.

THE WITNESS: But, Mr. Commissioner, perhaps I would like to clarify something here.

THE COMMISSIONER: All right.

25 MR. WITNESS: The Canadian media said that

I agreed with the position taken by the international federation stating that I was not surprised. What I meant really was the way that the international federation did things, it did not surprise me in the manner that the vote was taken, that did not surprise me since I have been participating in various meetings of the international federation since 1975, and that is the way that they do things.

THE COMMISSIONER: It was the process didn't surprise you?

THE WITNESS: That's right. I was not at all in agreement with the decision that it was made.

THE COMMISSIONER: Excuse me, Mr. Armstrong. Mr. Armstrong?

MR. ARMSTRONG: I am sorry.

THE COMMISSIONER: Was Mr. Dupre going to cover or deal with the IAAF meeting.

MR. ARMSTRONG: Yes.

THE COMMISSIONER: I think Mr. Dupre is going to do that.

Q. Would you agree with me that that decision -- I'll just refer to it in this way, that that decision is not going to encourage any athlete or any person involved in sport to volunteer information about drug use or doping?

A. I entirely agree with you.

Q. And you, sir, you have, since the Seoul Olympics, you have run again for the position of chairman of the Canadian Track and Field Association, isn't that correct?

A. Yes.

Q. And I take it from that that you plan to have a future in the sport, is that right?

A. I think that the first challenge that I will have to face is to put the Association back on the right track, and then we'll see what happens from there. The Canadian Association.

Q. I certainly wish you the best of luck.

Do you know of any reason, sir, why Mr. Francis would single you out to create fictions, as you put it, regarding your relationship or your conversations with him?

A. I think that if you look at Mr. Francis's testimony over the years, he started in '82 to '85 -- he brought to Mr. Fletcher, and I followed -- he

wanted certain members of the Association to go along with him and this is how he has done things, and I think that that is why he made the accusations he made about me.

5 Q. Well, do you recall the evidence that he gave about Mr. Fletcher?

A. Yes.

Q. Were you here for Mr. Fletcher's evidence?

A. Yes.

10 Q. Would you agree that Mr. Fletcher, in a very, very --- to a very large extent confirmed what Charlie Francis described as their conversations?

A. No, Mr. Pratt. That's not how I understood it.

15 THE COMMISSIONER: No, I'll be the judge of that, Mr. Pratt. That's within my field.

MR. PRATT: All right. Those are my questions, then

20 THE COMMISSIONER: Any questions, Mr. Fournier?

MR. FOURNIER: Well, I think everybody has covered almost everything. They say that law sharpens the mind by narrowing it, and so I will cover just one detail, which is volunteerism. And from now I'm going to your
25 solitude, I'm going to mine.

THE COMMISSIONER: Well, I'm not completely unfamiliar with your solitude as well. I can follow you very well, as a matter of fact.

5 --- EXAMINATION BY MR. FOURNIER:

Q. Mr. Ouellette, would you please tell me about your volunteer efforts and in general the volunteering efforts in the Association?

10 A. Well, I think that the structure of the Association as it stands now is made up of volunteers and of permanent staff members, and I think that the CTFA will continue to exist only if we can keep the army of volunteers we have within the organization.

15 I think in Canada in the area of track and field we have thousands of volunteers active in the area, and without them it is a fact that Canadian sport, especially in the area of track and field, could not exist.

20 So I think that volunteerism in the area of athletics and track and field is a necessity.

Q. Now, as far as you are concerned, since you are my client and I want to deal with what concerns you, your volunteer efforts, could you give us perhaps --

25 THE INTERPRETER: The interpreter is very sorry, the gentleman's microphone is not on.

THE COMMISSIONER: I'm sorry, your microphone is not on for some reason. Do you want to go over to Mr. Armstrong?

5 MR. FOURNIER: I always want to go to Mr. Armstrong.

MR. ARMSTRONG: All right -- oh, I thought you wanted me to kiss him.

THE COMMISSIONER: Would you mind tapping it?

10 THE INTERPETER: It's on.

THE COMMISSIONER: Not so hard the next time.

MR. FOURNIER:

15 Q. Let us forget all the years -- no, okay.

Now, let's look at the period from June 1986 till today. You are appointed chairman. How many hours a week have you devoted to the task between then and now?

20 A. I think that '86 and '87 were perhaps not as full in terms of the number of hours I volunteered, but I think that during '86 and '87 I would devote 20 to 25 hours a week to the Association.

25 But I must say that as of the beginning of 1988 this -- the number of hours increased to a level of

30 to 35 hours a week.

MR. FOURNIER: Thank you very much. Those are my questions.

THE COMMISSIONER: Mr. Armstrong?

5

--- EXAMINATION BY MR. ARMSTRONG:

Q. I just have two brief areas I want to cover.

10

When Mr. Francis expressed concern to you about Britain, he in effect expressed concern to you that the out-of-competition testing programme started in Britain in 1986 was just not a fair programme.

A. Could you repeat that, please?

15

Q. That the British out-of-competition testing programme was not fair because not you all of the athletes were either in the pool or that there was some basis upon which some athletes, if they were in the pool, they were not selected?

20

A. That is what Mr. Francis said, but again, I must reiterate, that these were rumours.

25

Q. And what he was really doing was, he was really complaining that if Canada went ahead with its out-of-competition programme that was going to be a fair and just programme, that in effect there would be a unilateral decision made by Canada to get into

out-of-competition testing, because the British programme that had been started was just not an acceptable programme that would accomplish the job in the same way it was anticipated the Canadian programme would accomplish the job.

Do you agree?

A. Not quite, Mr. Armstrong.

What Mr. Francis wanted was for all athletes to be treated equally. He did not want to see athletes who would be set apart and who would be tested systematically every week. They wanted procedures which would see the athletes work within a framework, within a procedure. That is how I understood it.

Q. All right. Well, I think I have pursued that issue enough and you've been troubled enough with my questions.

I will move along finally to the last point that Mr. Pratt raised, and that was -- he put it to you bluntly -- why would Mr. Francis single you out, and you went on to give an explanation to the effect that, for example, in the case of Mr. Fletcher, there were certain things that Mr. Francis wanted the head of the CTFA to do and I gathered what you meant by that, I sensed what you meant by that was that if Charlie Francis didn't get his way with the head of the organization, then he was likely

to single him out.

Now, I don't know of any evidence that we have received where, during the course of your tenure as the chairman of the CTFA between June of 1986 and the
5 Seoul Olympics, that there was some fundamental disagreement between you and Francis, or that Francis didn't get his way with you -- either one way or the other. That there was something he asked for that you didn't give him or something like that?

10 I don't understand the point.

A. I think that the objective I set for myself as chairman, namely to bring Mr. Francis back into the fold of the organization, is now leading me to pay dearly for what I attempted to do at the time.

15 The fact that I had set an objective to myself to discuss and to communicate with Mr. Francis, to give him as much information as possible, and to bring him back into the good graces of the Association, certainly didn't help me in any way.

20 Now, how would you explain that Mr. Francis came forth with his accusations? That's about the only explanation I can give you.

THE COMMISSIONER: That's a matter of argument, I think, Mr. Armstrong.

25 MR. ARMSTRONG: Thank you. Those are all

the questions I have.

THE COMMISSIONER: I just have a few questions, Mr. Ouellette.

5 In the present organization, do you have machinery at all available to investigate information which comes to your attention about any of the athletes breaking the rules at all?

10 You know, people do come forth, some well intended, some wanted to help clean up matters, others because of some private grievance they may have, and who have information.

But do you have a set-up at all for following things up?

THE WITNESS: Yes. We have ---

15 THE COMMISSIONER: You, you don't seem to have had one in the past? Do you have a staff or anybody who could really look into matters or investigate matters?

20 THE WITNESS: No. No, we don't any staff assigned to that particular task. This responsibility would be incumbent upon the CEO of the Association, and he would see to it that either an inquiry or a committee of inquiry would be struck. But there is no personnel assigned to that particular task.

25 THE COMMISSIONER: All right. I want to ask you -- I'm not quite clear what the relationship of

the IAAF is to the CTFA. Do they have any supervisory powers over your activities?

THE WITNESS: We are members of the IAAF, along with a hundred and eighty-three other countries.
5 And we must respect their regulations.

THE COMMISSIONER: Well, have they laid down rules at all yet as to what the member organizations have to do by way of doping control? Mr. Savage was here and explained what you're doing. Has the IAAF directed
10 any organization to have some sort of doping control programme?

THE WITNESS: No. The IAAF -- well, now, after the Barcelona Congress, Mr. Dupre will deal with that later on ---

15 THE COMMISSIONER: But up to '88?

THE WITNESS: No.

THE COMMISSIONER: Well, can they enforce that? Can they require any member organization to have doping controls, say as a condition of competition?

20 THE WITNESS: No.

THE COMMISSIONER: Now, you were in Barcelona -- and I want to set aside the amendment to the doping control role -- but I gather there was considerable discussion about the evidence given before this Commission
25 by the Canadian athletes, was there?

THE WITNESS: Yes.

THE COMMISSIONER: Was there any discussion of the evidence given before the United States Congress by American athletes?

5 THE WITNESS: No.

THE COMMISSIONER: Well, is the IAAF not interested in the activities within its member organizations?

10 THE WITNESS: I think that they are interested, certainly, but ---

THE COMMISSIONER: Well, I gather that there is no discussion about Mr. Carl Lewis's evidence before the Senator Biden Committee?

15 THE WITNESS: No. There was absolutely no discussion on that area.

THE COMMISSIONER: In which he testified that five to ten gold medallists in men's track events in the Seoul Olympics were won by athletes using steroids?

20 THE WITNESS: Mr. Commissioner, there was absolutely no discussion of that area in Barcelona.

THE COMMISSIONER: And Ms. Connolly, who is an outstanding coach who is there with the athletes, she said that so far as Carl Lewis's evidence was concerned, that was too low, if you want to talk about that. She
25 said that might be all right for the American sprinters,

but -- if he was talking about American sprinters, he's probably accurate, but if you want to talk about the whole track and field programme, his assessment was very low.

Was there no discussion about that?

5 THE WITNESS: None at all.

THE COMMISSIONER: And Evelyn Ashford, who is I think the world's record holder, testified that two female gold medallists on the American sprint team were using steroids?

10 THE WITNESS: There was no discussion at all on that area. I must tell you, Mr. Chairman, that work at the level of the IAAF is quite difficult because there are certain cells, if you will, where there is a great deal of lobbying that has to be done ---

15 THE COMMISSIONER: Well, you're a member of the parent organization too?

THE WITNESS: Yes, we are members.

20 THE COMMISSIONER: And doesn't this put a whole cloud over the gold medallists in Seoul Olympics? I'm not saying they are right or wrong, but there was no inquiry made about it, no ---

25 THE WITNESS: No. What we are told, when there are athletes who test positive, the policy is to let the country of origin of the athlete to hold their own inquiry and to bring ---

THE COMMISSIONER: Well, these athletes weren't tested positive, obviously?

THE WITNESS: Yes, I know. I agree with you there. But there has been no discussion, there is no forum at the Congress to discuss this type of matter.

THE COMMISSIONER: Well, that's why I want -- so the IAAF has really --- what Mr. Lewis said before the Senate committee, or what Ms. Connolly said or Miss Ashford may or may not be true, but this is evidence from people who are there. Who were in the field.

And there was no inquiry made at all to check out, find out what they knew about this you at all?

THE WITNESS: The IAAF, to my knowledge, did not do anything to bring it before the Congress. Perhaps within the board, where Mr. Cassell is a member, perhaps it was discussed at that level, but I really couldn't say because ---

THE COMMISSIONER: Well, I'm just trying to find out whether they have any jurisdiction, could they come to you or any member association and say, Look, we want you to make an inquiry or we'll make an inquiry?

THE WITNESS: Yes, they do have a mandate now to come and to say, You will enquire or make enquiries about such and such an athlete who tested positive, we want to know everything there is to know about this issue,

why this person tested positive, what the environment was,
who the coaches are ---

THE COMMISSIONER: Well, with all respect,
the ones who test positive are such a small proportion of
5 the problem that that's not very useful?

THE WITNESS: They do have that power, Mr.
Commissioner, to ask us to make enquiry. But this power
has never been exercised.

THE COMMISSIONER: I see. All right.
10 Well, thank you very much, Mr. Ouellette.
I've read your C.V. and, as Mr. Fournier has pointed out,
you have certainly spent a great deal of your life to
promote athletics and I thank you for your evidence.
Thank you.

15 THE WITNESS: Thank you.

THE COMMISSIONER: Take an adjournment.

--- Short recess.

--- Upon resuming:

20

THE COMMISSIONER: Mr. Armstrong?

MR. ARMSTRONG: Thank you, Mr.
Commissioner. I'd ask at this time to recall Mr. Paul
Dupre.

25

THE COMMISSIONER: Thank you.

PAUL DUPRE: Recalled.

THE COMMISSIONER: You have already been sworn, Mr. Dupre.

5 THE COMMISSIONER: Thank you, go ahead.

MR. ARMSTRONG: Thank you, Mr. Commissioner.

--- EXAMINATION BY MR. ARMSTRONG:

10 Q. Mr. Dupre, there are a number of issues that remain outstanding so as far as the CTFA is concerned, and a number of issues that indeed ---

15 THE COMMISSIONER: Just to refresh my memory, you became what I call the chief executive officer, president, in '88, wasn't it?

THE WITNESS: Yes, Mr. Commissioner, I assumed the role as of the end of July; officially came into office July 25.

THE COMMISSIONER: Right.

20 THE WITNESS: And my first full week was obviously the 1st of August, 1988.

THE COMMISSIONER: Right, thank you.

MR. ARMSTRONG:

25 Q. Then, as I was indicating, Mr. Dupre,

there are some remaining issues that relate to the CTFA that we were going to ask for your help on.

The first one that I wanted to ask you to address was the issue of the lifetime ban, the policy of Sport Canada and its doping control policy as formulated in the document that we filed almost the first day of this hearing.

And did the CTFA, as a result of having to deal with the implementation of that policy, or the effect of that policy in the Dajia-Gray case, enter into some correspondence and discussions with Sport Canada as to the formulation and actual implementation of how the policy was to be applied, not only in the Dajia-Gray case but in cases that might involve other athletes?

A. Yes, the actual decision by the board of directors of the Canadian Track and Field Association prior to my assuming office, and that is the decision taken at the board of directors in April '88 in Sudbury, leading to a formal application for a reinstatement of Messrs. Dajia and Gray ---

THE COMMISSIONER: Of course that policy was laid down many years ago, I understand.

MR. ARMSTRONG: 1985.

THE COMMISSIONER: 1985. I'm sorry, Mr. Dupre.

THE WITNESS: And as a result of that, of course, evidence has been presented as to efforts on half behalf of the CTFA to have the IAAF also reinstate those two athletes, which occurred -- it was confirmed to our chairman of the board, during the Junior World Championships in Sudbury. And that represented my first days into, into office.

The CTFA then found itself into the following predicament: along with its International Federation it had reinstated two athletes but it clearly wanted to have that decision passed on and communicated to Sport Canada, and at the same time to seek from Sport Canada a clear interpretation of its policy and the sanctions related to its policy for doping infractions.

On August 2nd, 1988, I wrote a letter to Mr. Ole Sorensen of Sport Canada, who was responsible for the doping programmes for the federal government ---

Q. I'm just going to interrupt you for a moment, and I'm going to file, Mr. Dupre, a copy of that letter and ask that it be marked as the next exhibit. Do you have a copy in front of you? I'm left with one. Perhaps we can get another.

THE COMMISSIONER: What number?

THE REGISTRAR: 285, Commissioner.

THE COMMISSIONER: 285. That's ten above

your limit, Mr. Armstrong.

MR. ARMSTRONG: Yes.

5 --- EXHIBIT NO. 285: Letter dated August 2, 1988,
Dupre to Sorensen.

MR. ARMSTRONG:

Q. Well, I interrupted you. Just go ahead,
please.

10 A. The purpose of the letter was basically
twofold; number one, to inform Mr. Sorensen and Sport
Canada of the reinstatement decision by the CTFA and the
IAAF, and at the same time to seek a clarification on the
part of Sport Canada ---

15 THE COMMISSIONER: Well, as I understand,
am I wrong, that the so-called life ban relates to
funding?

THE WITNESS: That is what we were seeking
as a clarification, Mr. Commissioner.

20 THE COMMISSIONER: But also it did permit
of an appeal after two years, was that the policy you're
dealing with?

25 THE WITNESS: Yes, and you have heard M.
Ouellette explain earlier this morning that we directed
the athletes to appeal directly to the minister.

THE COMMISSIONER: I understand, thank you.
Go ahead, Mr. Armstrong.

THE WITNESS: So it was related to funding,
it was related to eligibility and it was specifically
5 related to the issue of representing Canada ---

THE COMMISSIONER: Internationally.

THE WITNESS: Internationally.

And I must admit should have also dealt with
the issue of allowing athletes to compete domestically,
10 i.e., in Canada.

As you very well know, Mr. Commissioner,
prior to my assuming the position I was working at Sport
Canada. At the time that we wrote this letter, the CTFA,
based on my advice and the board of directors, certainly
15 proceeded with allowing for Mr. Gray and Dajia to compete
at National Championships, because I was confident that
was very well within the spirit of the policy of the
federal government.

THE COMMISSIONER: Right.

THE WITNESS: But what we were really
20 seeking is what happens if an athlete actually is selected
to represent Canada internationally.

THE COMMISSIONER: Right.

THE WITNESS: At that time we also went on
25 record -- and I think it's important for the Commission to

be knowledgeable about this -- the board of directors and ourselves as an organization clearly did not wish at that time to jeopardize its relationship with Sport Canada ---

THE COMMISSIONER: Right.

5

THE WITNESS: --- i.e., related to funding or programme benefits or benefits that are not necessarily passed on to us but passed to athletes. For example, the athlete assistance programme or research programmes or similar programmes.

10

THE COMMISSIONER: Right.

THE WITNESS: And basically we just went on record with government in this regard and that's what was presented on August 2nd, 1988.

15

THE COMMISSIONER: This is almost one of your first tasks, I guess?

THE WITNESS: Yes, Mr. Commissioner, coupled with informing Messrs. Gray and Dajia that they had been reinstated.

20

THE COMMISSIONER: Because you had just taken over in 1988?

THE WITNESS: Mm-hm.

THE COMMISSIONER: I notice the letter is actually written by -- or oh, by yourself.

Go ahead, Mr. Armstrong.

25

MR. ARMSTRONG:

Q. And just picking up, if I can, the letter, Exhibit 285, the nub of the issue after you state the fact seems to be at the bottom of page 1 where you say to Mr. Sorensen,

"As you are well aware, Sport Canada's 'life ban' policy on a first doping offense differs greatly to the two year ban of the IAAF.

"As Casey stated in his discussion with you, although the athletes have been confirmed to compete domestically, no decision has been made with respect to their participation as Canadian team members until clarification is received from Sport Canada on its position to this matter.

"Clearly the Canadian Track and Field Association does not wish to jeopardize its eligibility for Sport Canada financial and program support. I am, therefore, asking that Sport Canada present to the Canadian Track and Field Association its decision and position in this regard".

And although the Sport Canada policy speaks in terms of funding and doesn't go beyond funding, what you were concerned about was that if you permitted Dajia to participate in this dual meet in Italy, thereby
5 representing Canada, that Sport Canada would take the position that the whole funding programme of the CTFA was in jeopardy.

Am I correct?

A. Not entirely. At that time we were two
10 or three days before the Canadian championship. We knew what the criteria were to select athletes to compete at the dual meet and other competitions for that summer that you just referred to, and I just wanted to get before we were to proceed with our selection process the
15 clarification by, by Sport Canada.

Q. I see. Fine. You're absolutely right. I was jumping ahead. What you were doing is you were anticipating a problem.

A. Correct.

20 Q. That hadn't yet arisen?

A. Correct.

Q. But did within four days arise.

A. Exactly.

Q. And then your letter of August 2nd,
25 1988 appears, Mr. Dupre, to have been followed by a

further letter from you to Ms. Abby Hoffman, Director General of Sport Canada on February 2nd, 1989, and I propose, Mr. Commissioner, to file this as the next exhibit.

5

THE COMMISSIONER: Thank you.

THE REGISTRAR: 286.

--- EXHIBIT NO. 286: Letter dated February 2,
1989, Dupre to Hoffman.

10

MR. ARMSTRONG:

Q. And looking at Exhibit 286, I take it you obviously hadn't received a response to your letter of August 2nd and you write again to Sport Canada, this time to Ms. Hoffman, enclosing a copy of your letter and ---

15

THE COMMISSIONER: Is that right, was it dated February '89?

THE WITNESS: Yes, that's right.

THE COMMISSIONER: That's a long time?

20

THE WITNESS: Well, I think that it's important to set the context. I think that both the Sport Canada people as well as the CTFA people were quite busy during the fall of 1988 -- more specifically, after the Seoul Olympic Games.

25

THE COMMISSIONER: I see. But I see the

meet that they are to participate in had not yet been held?

THE WITNESS: Based on the fact that we did not receive a reply from any Sport Canada official, the Canadian Track and Field Association took upon itself not to proceed with the selection ---

THE COMMISSIONER: I see that now ---

THE WITNESS: --- with the selection of Mr. Dajia for Italy.

According to our procedures and our rules and by-laws, Mr. Dajia did appeal this decision. We proceeded with putting an appeals committee together, explained to Mr. Dajia the rationale for the CTFA decision, and thereafter the subject was dropped. Nevertheless, the CTFA was on record trying to seek a clarification and an interpretation of the policy.

THE COMMISSIONER: I see. Thank you.

Go ahead, Mr. Armstrong, I'm sorry.

MR. ARMSTRONG:

Q. And I've always assumed but perhaps never asked, just to complete the factual part of the evidence on this, the meet that Dajia wanted to go to, or that the national coach wanted Dajia to go to in Italy, I've always assumed was one of those same meets that we

know that the sprint group went to, either in Sestriere or Cesinatico?

A. Cesinactico is the one in question here, yes.

5 THE COMMISSIONER: Yes, okay.

THE WITNESS: It was one of the very few senior national team event that summer where a total Canadian team had committed to compete prior to the Olympic Games.

10

MR. ARMSTRONG:

Q. And again it would appear that in the second paragraph you raised the same issue again. It's put there:

15

"As noted in the above mentioned letter, Sport Canada's 'life time ban' policy on a first doping offense differs greatly to the two (2) year ban of the [IAAF and CTFA]. This difference in policy obviously affects the status of reinstated athletes as it relates to National Team participation. In fact, Peter Dajia was denied participation with the Canadian track and field team in a dual meet during August 1988 following his reinstatement by the [IAAF].

20

25

"A primary reason for this 'limited National
Team participation' is that the Canadian
Track and Field Association does not want to
jeopardize its eligibility for Sport Canada
financial and program support, and
therefore, we request confirmation of Sport
Canada's position in this regard."

And then the next leg of the journey in all of this is, I understand, a response to this correspondence dated June the 9th addressed to you from Ms. Hoffman. Correct?

5 A. That is correct. If I may clarify the context of the February 2nd letter, we now did not only have Mr. Gray and Mr. Dajia subject to the life ban of the federal government, but, of course, we had Mr. Johnson.

10 And from time to time, and I would say on an ongoing basis, a member of our Board of Directors, as well as ourselves, really wanted to clarify the government interpretation in this regard.

15 I think that it is also important that I state that we had a number of discussions with Sport Canada officials at that time, with either Ms. Hoffman or Mr. Sorensen. And although those conversations occur, we had not been in receipt of any formal reply. Hence, getting on record once again on February '89 was felt desireable on our part.

20 THE COMMISSIONER: Thank you.

MR. ARMSTRONG: All right. Then, Mr. Commissioner, I ask this be marked as Exhibit 287.

THE COMMISSIONER: Thank you.

THE REGISTRAR: 287.

25 MR. ARMSTRONG: That then is the letter of

June 9, 1989 of Ms. Hoffman to Mr. Dupre.

--- EXHIBIT NO. 287: Letter dated June 9, 1989 from Ms.
Hoffman to Mr. Dupre

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MR. ARMSTRONG: Mr. Commissioner, this
is, as you can see, a fairly lengthy letter, a full
two-and-a-half pages. I don't propose to have it all read
in.

10

THE COMMISSIONER: It sets out the old
policy.

MR. ARMSTRONG: It sets out the old policy,
the language of the ban. And then at page 2 you will see
an attempt to define what the scope of the policy is.

15

THE COMMISSIONER: All it says is that, as
I read it, is that as long as the ban -- I read it very
quickly -- as long as the ban is there, that there can be
no funding of the athlete. Is that what it is saying, Mr.
Dupre?

20

THE WITNESS: Well, it has a number of
statements.

THE COMMISSIONER: You can't fund, but that
would not deny eligibility. Am I missreading it?

25

MR. ARMSTRONG: If you look at the bottom
three paragraphs 5, 6 and 7, I mean it is much broader

than that.

THE COMMISSIONER: Okay.

MR. ARMSTRONG: I mean literally the Canadian athlete who is governed by this policy, that is a person who is subject to a lifetime ban, cannot compete for Canada, cannot compete internationally, and --

THE COMMISSIONER: Well,

"5. An athlete guilty of a doping infraction may not participate in events sanctioned by the NSO or its affiliates whether a direct or indirect financial contribution toward any aspect of that athlete's participation in the activity (e.g. travel subsidy, waiving of entry fee, etc.) is made by the respective NSO.

6. An athlete guilty of a doping infraction may compete in any competition (within Canada or abroad) so long as the involvement of the NSO is strictly limited to the provision of assurances to the host organizer or federation that the athlete in question is a member of good standing and eligible to compete according to the rules of the within the rules of the International Federation and the

athlete's federation."

MR. ARMSTRONG: That sounds pretty -- fairly straightforward, fairly easy up to that point, but if you look at 7.

5 THE COMMISSIONER: "Should an athlete guilty of a doping infraction be nominated by an NSO for a Major Games or other representative team, (that is representative of the NSO, Major Games, or 'Canada'), the athlete, the NSO, and the Major Games organization, should it accept the nomination of the athlete, would be regarded as being in violation of current federal government anti-doping policies."

10 THE WITNESS: I think, Mr. Commissioner, that as Mr. Armstrong pointed out, the items 5, 6 and 7 of the letter are really the ones that the CTFA were entrusted to hear from. And, of course, we had to proceed with an interpretation of points 5, 6, and 7.

15 Five is extremely straightforward, as Mr. Armstrong has indicated. And 6 is the one that we decided to interpret in the following manner: We felt that under six, athletes reinstated by ourselves, i.e., Mr. Dajia, Mr. Gray would qualify for domestic competition and would be entitled to compete in our national championships

20

25

whereby we clearly have the possibility to, number one,
state that he is a member in good standing, that they are
a member in good standing of the Federation. And, number
two, clearly demonstrate via our financial records that no
5 assistance is coming from government or --

THE COMMISSIONER: That applies within
Canada or abroad? Does number 6 -- we will read this
letter.

THE WITNESS: That is right, within Canada
10 that's why I am speaking to --

THE COMMISSIONER: Within Canada or abroad
it says.

THE WITNESS: I am speaking to the domestic
side of it now, which is the national championships.

15 As to abroad as you just pointed out --

THE COMMISSIONER: Under 6, the same thing.

MR. ARMSTRONG:

Q. You are okay.

20 A. You are okay. But under the following
circumstances --

THE COMMISSIONER: I am not involved.

MR. ARMSTRONG: It is under 7 that we are
not going to let you compete abroad.

25 THE WITNESS: That's right.

THE COMMISSIONER: Should an athlete --

THE WITNESS: But there is still a nuance,
Mr. Commissioner, if I may, under 6, whereby an athlete
clearly should not in this context, and that is certainly
5 the CTFA's interpretation, allow to officially represent
Canada and wear Canada's colors. If you take 6 in
conjunction with 7.

Literally speaking as it pertains to the
sport of athletics, as you know, we have a number of
10 competitions where athletes are invited individually and
other competitions where athletes are invited as part of a
team.

In this context, number 6, if I am athlete X
and I am invited to IAAF invitational or Grand Prix event
15 whereby the actual transportation cost, the actual onsite
cost, the actual appearance money and/or performance
monies are clearly all coming from the meet organizers,
and I accept the invitation, and I participate as a member
of Track Club Y from Canada, and the only role of the
20 Canadian Track and Field Association is to confirm that I
am a member in good standing --

THE COMMISSIONER: Then you are all right.

THE WITNESS: -- I can compete. But if I am
that same athlete and I am nominated by the Canadian Track
25 and Field Association to be part of a team whereby I will

then be representing Canada, wearing the national colors,
or nominated by the Canadian Track and Field Association
to a major games team, i.e., FISU, Commonwealth, Pan Ams,
or Olympic Games, then it is clearly not acceptable under
5 the spirit of the rule. And not only that --

MR. ARMSTRONG:

Q. What about the World Cup?

A. -- not only that, but both the major
10 world game championships, be it COA, be it FISU, and the
Canadian Track and Field Association then jeopardize their
funding from government.

THE COMMISSIONER: I see. We will -- we
have it -- it is sort of pretty complicated at a very
15 quick reading, but it is clear in your mind, is it, Mr.
Armstrong?

MR. ARMSTRONG: Well, yes.

THE COMMISSIONER: All right. Thank you.

20 MR. ARMSTRONG:

Q. Okay. Now, having told us what you
have been able to obtain from --

THE COMMISSIONER: Excuse me, is this the
last word, Mr. Dupre, on the subject?

25 THE WITNESS: Well, I don't know who will

have the last word.

THE COMMISSIONER: No, at the moment, is this where it stands now?

THE WITNESS: It is where we stand now. And
5 I would like to point out, Mr. Commissioner, in this regard the second sentence of the second paragraph of Madam Hoffman's letter whereby there is a reference to the activities and the work of the Commission and the fact that it will remain in current until recommendations are
10 brought forward at the conclusion of your -- of this Commission.

THE COMMISSIONER: Okay. I see that.
Thank you.

15 MR. ARMSTRONG:

Q. Now, what I would like to ask you, Mr. Dupre, what is the position of the CTFA so far as either this policy in particular is concerned or sanctions in general?

20 A. Well, the position of the Canadian Track and Field Association, as referred to in the two letters of both August and February, is aligned to the one of the IAAF for doping violations. Therefore, in the case of anabolic steroids, for example, a first offense leads
25 to a 24-month ineligibility for sanctioned events by

either CTFA or either IAAF. And the second offense leads to ineligibility for life for events sanctioned by CTFA or IAAF.

5 So, in this regard, our policy is aligned to the one of the international federation. And, of course, different as I pointed out to Mme. Hoffman and M. Sorensen different than the one from the government of Canada.

10 Q. Now, I understand that that's what the position has been. Is there any movement away from that position either to less than the two year or to increase the two years, or is that the CTFA's position today?

15 A. It is still the CTFA position. From time to time since the Seoul Olympics we have had a number of discussions in this regard around the board table. And it is felt that in the current context of high performance sport in athletics, that the two year for first offense as well as life for second offense is quite acceptable.

20 Q. During the course of the discussions that you have had or from your own knowledge or experience in the field, what is the life expectancy, if I can put it that way, of a high performance athlete in the sport of track and field?

25 A. I think that your question is extremely pertinent because it is one of the prime motivators for the sanction as, or rationale, I should say, for the

sanction as it is.

As recently as during the Barcelona Congress, the medical committee of the IAAF presented some evidence and statistical evidence as to the duration of a career of an athlete. And it is basically anywhere from a full Olympic cycle, i.e., four years, to five, five-and-a-half years.

In this regard, also statistical information was presented to the effect that athletes who have been subject to a two-year life ban have either not returned to competition in a large majority or who have returned to competition with very significant departure from their previous level of performance resulting in to return to competition for anywhere between six months to a year.

Therefore, it is felt that two years represents a significant portion of the athletic career and the life career, in fact, of the athlete.

Q. Then we are not going to let you escape from the witness box without asking you about some meeting that I have heard about that took place at the nationals in August of --

THE COMMISSIONER: Oh, no, please.

MR. ARMSTRONG:

Q. -- in August in 1988.

THE COMMISSIONER: If you do, you will have to sit here and I am going to leave.

THE WITNESS: There is a new angle to this, Mr. Commissioner.

5 THE COMMISSIONER: Was Mr. Dajia at the picnic?

THE WITNESS: No, Mr. Dajia was not at the table. The evidence has been, and it is my evidence that, yes, I did call the meeting, the meeting was precipitated and maybe that is the new angle, Mr. Commissioner.

10 The meeting was precipitated by my wishing to share with Rob Gray, with Mr. Gray, as to how exactly he should be proceeding to request clarification of the life ban. You should be knowledgeable about the fact that coupled with my writing to Sport Canada, I certainly had written, and I have just presented that, to both Mr. Gray and Mr. Dajia confirming their reinstatement.

15 In the last paragraph of that letter, I am indicating to them that the CTFA is willing to assist them in representation to government as per the policy, because the policy clearly states that it is the athlete, not the federation, who should be making the representation directly to the Minister.

20 THE COMMISSIONER: All right.

25 THE WITNESS: The purpose of the meeting

was: This is who the Minister is, this is where he resides, this is what the address is, and this is how you write the letter. And that's is what occurred at the picnic table.

5

MR. ARMSTRONG:

Q. Did you at that time know Peter Dajia?

A. No, I certainly don't know Mr. -- did not know Peter Dajia at that time.

10

Q. All right. Who were the people who were there so far as you recall?

A. The Chairman of the Board, Mr. Ouellette; the Chairman of our Doping Solutions Committee, Mr. Savage; Mr. Gray was in attendance; and at one moment because I had enlisted the efforts of Mr. Wade to assist me in this possess, we asked him to come over.

15

Q. All right. Then I wanted to move along to the Seoul Olympics in 1988. We, of course, as Commission counsel have called a great deal of evidence about the events that transpired from I believe the night of September 25, the morning of September 26, when it was first known that Mr. Ben Johnson had tested positively on the A sample.

20

And I think without exception, although -- well, not -- no, there are some exceptions, but most of

25

the people that were involved in an official capacity so far as we have heard and so far as the evidence we have put forward, all came from the Canadian Olympic Association: Mr. Pound, Dr. Stanish, Mrs. Letheren, the team leaders, Mrs. Clement, Mr. Lyons, and so on. I may have left some people out. But in those events, that is informing of the positive test on the A sample, the attendance at the opening of the B sample, the attendance at the submissions that were made to the IOC Medical Commission, was the CTFA informed of what was going on, and was it consulted, and did it participate.

Those are, as I sometimes say, three questions, but --

A. I will take them in that order, if I may. Was informed - was certainly informed but by rebound from the standpoint that at no time the two official representatives of the Canadian Track and Field Association in Seoul, i.e., the Chairman of the Board and myself, were directly contacted by the Canadian Olympic Association to inform us that there had been a positive test on the A sample following the 100-meter race. It certainly came via the team manager, Mr. Dave Lyon, is the one that contacted me in terms of sharing the information --

Q. Can I just stop you there. Perhaps I

was wrong. Lyon was a CTFA representative as opposed to a COA representative?

A. Well, I have got to correct both statements if I may. He was not a CTFA representative, he was the team manager --

Q. Yes.

A. -- with the Canadian track and field athletes part of the Olympic team. The Canadian Track and Field Association had delegated two representatives to the Olympic Games to carry out its usual international business and business relationship in the persons of both the Chairman of the Board and myself.

The second question was were we consulted. The answer to that is obviously, no, we were not consulted from the standpoint --

THE COMMISSIONER: Were you allowed to participate in the decision as to how the matter was to be handled or anything of that nature?

THE WITNESS: Neither Mr. Ouellette nor myself were given that opportunity. And, Mr. Commissioner, you have received evidence to the fact that at the time the Canadian Olympic Association officials were preparing their presentation to the Medical Commission of the IOC, we, in fact, have had not only team managers, but our physiotherapist questioned by the COA

representative, but at no time were either Mr. Ouellette and myself asked for offering of opinion, or for that matter, no other individuals were actually consulted by the COA, individuals who were in attendance in Seoul that would have, it is our belief, anyway, greatly assisted the COA in preparing its presentation to the Medical Commission.

I mean present in Seoul were a tremendous amount -- well, tremendous amount, a number of individuals who have and had at that point great expertise in the area of doping.

The Chairman of the doping advisory committee of the Sport Medicine Council was in attendance. The Director of the INRS Sante Laboratory was in attendance. The President of the SMCC, the Sport Medicine Council of Canada, was in attendance. It is certainly my knowledge today that neither three were actually consulted at the time that the COA was preparing its presentation.

THE COMMISSIONER: I see. Thank you.

THE WITNESS: Certainly that if the CTFA would have been asked for its comments, the total approach, rest assured, would have been different, and better consultation would have occurred.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

Q. All right. Then, I wanted to move away from specific events to some more general areas, the first area being carding. And you, I think, have been present for much of the evidence and when you haven't been present I know that you have been following carefully the evidence and the issues as they have emerged.

And looking at the carding system as it presently exists, one of the perhaps criticisms that has emerged has been that the carding standards are too high, that perhaps the carding standards in themselves in some events for track and field encourage people to obtain -- to attain the carding standard levels by the use of anabolic steroids.

What do you have to share with us as to your view of the present carding system and how it might be improved if you think it needs improvement?

A. Well, first of all, I think that it is important to indicate that the carding criteria or the criteria for athlete assistance are not imposed on the national sport organization.

And in my first testimony, I did clearly present evidence to the fact that carding criteria are negotiated between Sport Canada and the national sport organization.

There is certainly a different leverage in the negotiation than in the bargaining process on the part of the Sport Canada than on the part of the National Sport Organization from the standpoint that they certainly
5 administer the program and in this regard control the purse strings.

The Canadian Track and Field Association is currently generally satisfied with the criteria. It has, and evidence has been presented by Mr. Findlay in this
10 regard, offered a view whereby the performance standards for carding on an event-by-event basis should be established from a world list that would be from performances realized at competitions where, in fact, doping control has occurred.

15 We are still committed to moving in this regard and that is a departure from the current criteria that we would like to see introduced.

As to the second part of your question, we have been quite happy as to the manner in which with Sport
20 Canada we have negotiated the introduction of an athlete assistance program to tie in with upcoming emerging athletes, specifically junior athletes as well as espoir athletes.

THE COMMISSIONER: That is a new listing
25 now, isn't it?

THE WITNESS: Well, it is part of the -- I mean what we have introduced is another set of letters, but --

THE COMMISSIONER: A, B, C, and F.

5 THE WITNESS: Well, We have gone to C-1s, we have gone to H's. We have gone to F's and G's, but generally speaking, they meet the principle of we want to see our junior and espoir athletes receiving some assistance.

10 THE COMMISSIONER: Right.

THE WITNESS: Is it is not, Mr. Armstrong, the carding criteria that drive athletes, according to what you have just presented or, presented or questioned me on. It is not the carding criteria that actually drive
15 athletes to banned practices.

I think that it is the benefits that are associated with the athlete assistance that may drive athletes to practices. I think that albeit very important program for amateur athletes in Canada, I think that we
20 have to realize that the actual subsidies and benefits coming from the program are quite low, in the current economic context of Canada, even in the province of Quebec.

And I think it is fair to say that an
25 athlete trying to achieve a C standard by which he or she

will receive \$450.00 a month plus tuition if he or she happens to be a student is quite difficult.

And I think that athlete assistance is an extremely complex matter. I think that until -- as part
5 of the Canadian sport system we do not start to recognize the actual fulltime commitment that high performance sport represents, and that we do not introduce a level of support that recognizes that fulltime commitment.

We are bound to be open, I guess, to some --
10 to some inclination on the part of athletes to get involved in banned practices.

I think that what is important to realize here is that the time that the athlete, student athlete, is receiving that amount of money, albeit having tuition
15 paid, that athlete is deprived of the usual summer employment opportunities that the majority of students actually benefit.

THE COMMISSIONER: Yes, but increasing the amount, increasing the amount, which is a valid issue to
20 take up, would not reduce the temptation, if that's what people say they do to cheat to get the new benefits.

THE WITNESS: That is why I specifically avoided stating increasing the amount as the solution. I indicated that in my opinion, and I think that it is one
25 that is shared by a number of sport administrators as well

as technical people and coaches, recognizing the status of the athlete and providing athletes with benefits associated with that status, would permit increased commitment to training.

5 Overtures to facilities without having to pay, benefits associated to travel, travel rebates, and so on and so forth, without necessarily increasing the stipends paid to athletes.

THE COMMISSIONER: I see.

10 MR. ARMSTRONG:

Q. And what do you then see happening is that you still have various categories of carded athletes, but rather than say taking the \$650.00 a month for an A card and increasing it to a couple of \$1,000.00 a month, 15 you just increase the number of benefits in terms of subsidies for travel and so on. Is that --

A. I think -- well, yes, that is one example. I would even consider it very appropriate for a 20 working athlete, not only in our sport but in other sport, for an athlete to actually not receive athlete assistance but for that athlete, and we have a number in our organization, to actually see his or her athletic career recognized by the employer.

25 Currently the Canadian Track and Field

Association has as a part of its athlete reserve fund practices a number of agreements three way between athletes, the CTFA, and the employer whereby the employer is saying we continue to pay you at this salary --

5 THE COMMISSIONER: And give a leave of absence while he is training?

 THE WITNESS: Well, it is not necessarily a leave of absence, it is saying we pay you at this level of salary, this salary normally commands 40 hours a week of work, we expect you to be there half a day and the rest devote to training.

 And that is very, very acceptable. And in this context, athlete assistance is not even required. So, it is not all tied to the AAP and carding system. It is tied to a whole combination of benefits that could be developed to actually allow athletes to go about the commitment I just referred to.

 MR. ARMSTRONG:

20 Q. Is that program actually in existence at the present time?

 A. We have it with a number of our athletes who are employed by different corporations across Canada; yes, we do.

25 Q. All right. Then I wanted to move to

another topic, that is the Canadian Olympic Association's selection criteria. When Mr. Smith was here from the Ontario Track and Field Association, he was critical of the Olympic standards or Olympic --

5

THE COMMISSIONER: Selection.

MR. ARMSTRONG:

Q. -- selection criteria in that he said that the Canadian Olympic Association in some instances in regard to some events required a higher standard than indeed the -- was established for either the IAAF or the IOC.

10

And what comment if any do you have to say about that so far as it effects the sport of track and field?

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A. Well, I would like to preface my comments by indicating that the selection criteria of the Canadian Olympic Association are based on reasonable probability of performance at the Olympic Games and that those criteria are actually equally applied to all of the summer Olympic sports.

20

There is not, unfortunately, in the policy as well as the part of the selection criteria a distinction that is made of the actual nature of the sport i.e., the sport of rowing, the sport of swimming, and the

25

sport of the athletics all fall under the same selection criteria.

What athletics have that other national sport organizations don't have is a very, very measurable set of events, 42 events on the Olympic programs by which measuring distance, height, or time is actually how you come about having your performance recognized.

And in this regard, the IAAF, the international body, does introduce for Olympic Games a set of performance standards, two sets of performance standards, as a matter of fact, the A and the B. And the rule is quite simple. Here is the actual level to be achieved by an athlete to meet the A standard. And if that level is achieved by an athlete, he is automatically allowed to compete at the Olympic games.

Furthermore, under the A standard, should more than one athlete achieve that standard, the national federation can enter up to three athletes at the Olympic Games. The B standard, if you only meet it once, you can only have -- the B standard is a lower standard and under that one you can only send one athlete.

In fact, what the COA is saying is that it is not recognizing the standards that are developed by the IAAF. It certainly is the view of the Canadian Track and Field Association that inasmuch as possible, the best

performers in Canada should be allowed to represent Canada internationally.

If the best performers happen to meet the IAAF standard, we have certainly some difficulty in understanding why a tougher criteria would be then imposed by our national Olympic committee. More specifically to understand that the criteria is a blanket one to apply to the 33 sports on the Olympic program.

Q. Then, Mr. Dupre, I want to take you to the events in Barcelona last week.

Perhaps, I should just -- I notice --

THE COMMISSIONER: Should we adjourn now? We will just take -- we should adjourn, I guess, for lunch.

MR. ARMSTRONG: Well, I will be another few minutes, I don't --

THE COMMISSIONER: Do you want to carry on? Fine, go ahead.

MR. ARMSTRONG: All right.

THE COMMISSIONER: No, go ahead, we are not in a hurry.

MR. ARMSTRONG: I am happy to complete --

THE COMMISSIONER: All right, we will do that.

MR. ARMSTRONG: -- my questions on this

subject. It may be that means we won't be too much longer.

THE COMMISSIONER: All right. Thank you.

5 MR. ARMSTRONG:

Q. I am going to turn to the events at Barcelona.

I should say at this time I am going to ask Mr. Dupre about some questions about what happened there last week, but we have made arrangements to have a Vice
10 President of the IAAF, Mr. Arne Linqvist from Stockholm to be here to testify on Monday morning. So, I intend to more fully ask him questions about the IAAF policy.

THE COMMISSIONER: He's been on your
15 schedule for sometime. I understand you had some scheduling difficulties.

MR. ARMSTRONG: That's right, yes. He's been on our witness list almost since the beginning.

20 MR. ARMSTRONG:

Q. Then, Mr. Dupre, we know you were in Barcelona last week. Perhaps you could just take a moment, and it may be a bit unfair to you since the document is fairly complicated, but just to describe in
25 capsule form exactly what it is that the IAAF did last

week?

A. Well, capsule form may get into your lunch time, but --

THE COMMISSIONER: No, no, I don't want to hurry him. We will carry through, so you take your time.

MR. ARMSTRONG:

Q. No, don't feel --

A. I appreciate that opportunity simply because there are a number of events that preceded Barcelona that I think the Commissioner should be knowledgeable about. And I can give you that sequence --

THE COMMISSIONER: Well, do that, please.

THE WITNESS: -- and what led to the decision.

THE COMMISSIONER: All right.

THE WITNESS: I think that it is fair to say, Mr. Commissioner, that since September 24, 1988, the Canadian Track and Field Association, as a member federation of the IAAF, developed a tremendous amount of knowledge and expertise of not only the IAAF rules, but the rules of many national and international governing bodies.

At the same time that that knowledge was developed, I think that we also developed a great

expertise in rule interpretation. And I think that, you know, we just spoke to that a little bit in the context of the Sport Canada policy.

5 The IAAF obviously has from time to time consulted my office to keep the pulse on the activities of the Commission of Inquiry to be informed of what was happening at the Commission. And we certainly volunteered that information on a regular basis.

10 It's not been an unusual practice for my office to forward copy of material that was presented here as an exhibit or share with my counterpart with the IAAF some information related to evidence that was presented here.

15 In this regard, the IAAF in the month of July invited -- the Council of the IAAF in the month of July invited Mr. Ouellette, our Chairman of the Board, and myself to bring forward a mini report on the activities of the Commission and the involvement that the CTFA has had to this point in the Commission, certainly not on the
20 quality or the quantity or the actual manner in which the CTFA has done that, that's for you to put in your report, I suppose, but to bring forward the position of the CTFA on the Commission.

25 At that time, both Mr. Ouellette and myself worked with our legal counsel, Mr. Bourque, in preparing

that report. The report was submitted at a council meeting held in Vienna and was, I must admit, fairly well received by the members of the council.

5 An area that became one of consideration as that time was certainly the admission a few weeks earlier on the part of the one of highest profile athlete in the world, and, of course, the admission made by Mr. Johnson at this very stand at the Commission of Inquiry.

10 And at the same time, the IAAF then presented to us a number of rule modifications it wished and it indicated as a wish to introduce as part of the next rule book of the IAAF.

15 I think that you should be knowledgeable about the fact that the rules of the international federation get approved at every congress and modifications to the rules get introduced on a two-year basis. So, we did a number of those in 19 --

20 THE COMMISSIONER: Mr. Armstrong and I have met with several representatives of the IAAF when we were in London.

25 THE WITNESS: And in this regard, at that time, the CTFA was in fact invited to have some input into the draft of the modified rules, which is an expansion of the doping section of the rule book of the IAAF and the handbook.

It is an expansion from the standpoint that in and out-of-competition are clearly defined and so on and so forth. We committed to doing that and anticipated and received commitment on the part of the IAAF that material in this regard would be forwarded to us.

Upon return to Canada, both the Chairman of the Board, and myself, along with Mr. Savage, prepared a report to our Board of Directors saying that is what has happened, this is what the IAAF will be introducing, as soon as we received the promised text, we will offer our remarks and send them back to the IAAF.

Five days prior to our scheduled departure to Barcelona, I was still not in receipt of any material despite a number of communications by both Mr. Savage and myself to the IAAF office, material was not forthcoming.

I made a last attempt to my counterpart, Mr. Holt, at the IAAF bureau in London and coincidentally the following day received at my office a mailing which was one that was not made specifically in reply to our
5 letters, but which was made to the 184 -- 182, I'm sorry, at that time, member federations of the IAAF.

We then proceeded to immediately call together our board of directors and, and with the view to establishing the Canadian position at the Congress. The
10 chairman of the board, myself and our vice-chairman, voting delegates at the Congress, clearly wanted a Canadian perspective presented and not only one developed by the three of us.

We then had that exercise, it was extremely
15 positive, we had a number of recommendations advanced to the proposed rules, and had as a mandate -- received as a mandate from the board to bring them forward to the floor of the Congress.

Upon our arrival in Barcelona, in the
20 delegates' package we were presented with amendments to the material that had been forwarded to, to the, to all of the member federations.

In discussing with our counterparts from
other national federations, a general theme was recurring
25 and that was the fact that here are a number of

significant rule changes about to be introduced by the world governing body, and by the way, when did you get your copy?

5 And, you know, countries like Australia or Jamaica, or -- numerous countries came to either M. Ouellette or myself and said, Well, did you receive it just prior to coming here or did you just actually find it in your package in the manner in which we did?

10 At a number of working meetings prior to the Congress ---

THE COMMISSIONER: Sorry, did they get it earlier than you? I'm not quite sure ---

15 THE WITNESS: No. No, that was the issue. As a matter of fact, some of our directors said to us, You just go out there and have them tabled simply because we don't time to, to go through an exhaustive review of them.

20 Countries from the Oceania, as well as from the Middle East, as a matter of fact, only received them in their delegate package upon, upon their arrival. Hence a tremendous amount of discomfort by a number of delegates to be able to treat those very important rules fairly on the floor of the Congress.

25 More specifically because they were, they were -- well, they were a total of seven different rules that were about to be introduced and each one of them in

its wording could lead to different interpretation or a great, great debate.

We then proceeded to prepare ourselves for the discussion with the view and the anticipation, I must admit, Mr. Commissioner, that it would take place on the
5 second day of the Congress. In reviewing the agenda, it was our opinion that it would either come late in the first day or very early in the second day.

We were quite surprised to see that item
10 come to the floor of the Congress very early on the first day.

And more disconcerting to us was the fact that the rules, in a total package, were actually brought to, to the floor....with the amendments as I have just
15 informed you of, in such a way that a specific rule treating the intention -- treating the admission, I'm sorry, by any athletes, was brought forward with a retroactive aspect to it for a period of, of six, six years. Clearly that's a position that Canada did not see
20 as desirable.

In this regard our legal counsel has tabled with Mr. Armstrong the statement that the Canadian delegates did offer the -- at, at the Congress.

The view of the Canadian Track and Field
25 Association was a very logical one in our opinion. We

don't know that there are that many agencies -- or governing agencies who introduce legislation with a view to have retroactive effect. From time to time we all know as taxpayers that that happens, but generally speaking

5 when a governing body introduces a measure or a legislation, it has been precipitated by a number of incidents, but it is, it is introduced with a view to rectify similar events not to occur in the future, or if they occur, to be treated accordingly and dealt with in an

10 appropriate manner. Therefore we felt it was not appropriate in this regard

At the same time that we have acquired expertise in rule interpretation we did go through a crash course in legal matters as well, Mr. Commissioner, in the

15 last eight months, and therefore felt that it was probably somehow against basic justice as well as the principle of justice, I guess, as well as, you know, not appropriate to introduce something that was dealing with the past.

The future is what we have to be concerned

20 about, and, and bring something in this regard would be more appropriate. Talk about measures we you now want to introduce -- which some of the other rules are covering, by the way.

And in addition to this, Canada, the

25 Canadian Track and Field Association, athletes from

Canada, the work of this Commission, was clearly targeted by that rule. And we felt it became a Canadian rule and was not, in our opinion, neither appropriate nor desirable.

5 We proceeded with making the representation I just indicated, Mr. Commissioner; it was presented to the Congress in such a way that the package was not broken down, the Canadian Track and Field Association was then presented with the following dilemma:

10 We liked a number of the rules that were introduced; we were clearly opposed to the admission rule with the retroactive effect, and therefore had the following dilemma:

15 Do we vote against the total package of which we like 85 percent, or do we vote for it, and then in voting for it we agree with the six year retroactivity.

 We were left with no other option than to basically abstain from the vote from the standpoint that neither option were acceptable to, to us.

20 In addition to this, we had prepared a number of recommendations and at the time that Mr. -- Professor Lundquist is here next Monday, he will certainly confirm that evidence.

25 One of the views that the CTFA had about the rule introduction was the -- for the IAAF to play a

greater leadership in the area of monitoring of what each national federation was doing in doping control.

THE COMMISSIONER: Yes.

THE WITNESS: So I had prepared an
5 amendment to one of the rules which called for the IAAF to
ask member federations to submit on an annual basis doping
plans in saying, those are in country X the intentions we
have in the area of anti-doping measures for the whole
year. And this is what we commit to carrying out -- in
10 competition, out-of-competition, commission of inquiries,
investigation, whatever.

And for -- at the end of the year each one
of those countries to report back on the IAAF and say,
This is what we said we were going to do, this is what we
15 have done, and this is now what we will be doing the next
year ---

THE COMMISSIONER: What happened to that
proposal?

THE WITNESS: Well, Mr. Lundquist was
20 approached by myself and he clearly indicated it was
desirable, and expected me to actually bring it forward to
the floor of the Congress.

But the manner in which the total package
was voted on did not allow for that to happen and it was
25 left, between Professor Lundquist and myself, for me to

forward it in writing to, to the IAAF upon return to
Canada.

Which is something that appears on my work
plan for the next few weeks and, and I think that those
5 are the positive steps we wanted to discuss with the IAAF,
and unfortunately were not allowed to, to, to do that.

I think that it would have been quite
desirable for, for that to happen.

10 MR. ARMSTRONG:

Q. Was there any recognition in the --
whatever debate took place that the -- whatever the merit
may be of not recognizing a world record that was obtained
through the assistance of steroids, leaving that issue
15 aside -- was there any recognition that the effect of the
language of this amendment or this rule was that it was a
message to athletes in effect to keep their mouths shut in
the future?

20 And that -- a recognition in effect that it
was not a contribution to the problem --- to the solution
at all, but in fact a further contribution to the problem?

THE COMMISSIONER: Even if it meant lying.

MR. ARMSTRONG:

25 Q. Yes.

A. I don't think that, that recognition was there, Mr. Armstrong. Canada certainly brought that forward.

5 Q. I'm going to file your presentation, and I note that that issue is raised by you.

A. But that recognition was not, was not made, and without going into a very line-by-line debate of the wording of each one of the rules, as you well know the one treating world record is dealing specifically with admission.

10 Another rule was introduced whereby admission constitutes -- is actually going to, in the future, be treated in the same manner as a positive test. So if in fact ---

15 THE COMMISSIONER: It's, it's got to be admission under the rules, as I understand it, or admission in writing signed by another person ---

THE WITNESS: Yes, you're quite right about that ---

20 THE COMMISSIONER: I'm sorry, signed and witnessed by another person.

THE WITNESS: So if I admit, if an athlete admits having utilized banned substances -- well, if it's ephedrine it's three months on the first admission, and if it's anabolic steroids it's 24 months on the first

admission.

But if you take that rule in the context of the world record rule, if, if I'm a world record holder and I actually, in the context described by the Commissioner, offer a, an admission, my -- and my record is, is -- has been established a number of years ago, I then become treated only under the rule of 24 months' suspension. I don't become liable to the six-year retroactivity. And hence a fair amount of dichotomy into what was approved.

And I think that in fairness to the IAAF there is also, there is also a procedural step that will have to occur early in the calendar year for them to proceed with the establishment of the world record list, and as to what they will do with athletes who have come, who have come forward with admission.

MR. ARMSTRONG:

Q. Then just one other question on this. Do I understand that the whole package was put to a vote, which included a number of initiatives, a number of policy matters that Canada clearly supported?

A. Well ---

Q. And that you were then caught in the invidious position that you had this one amendment related

clearly to the situation here with Mr. Ben Johnson having made his admission under oath, that you didn't support for the reasons you've mentioned, but you couldn't vote against it because if Canada voted against that they would be seen to be voting against all of the motherhood, if I can put it that way, that appears in the rest of the resolution?

A. Well, quite accurate.

As to motherhood, I don't know that that is quite accurate, simply because there were a number, there are a number of good measures that are part of the rules and we view that as very desirable rules, but, yes ---

Q. Well, we regard motherhood as very desirable and that's why I gave it that ---

A. We all have our views on motherhood, I guess.

Q. --- that description.

A. But what was also a very generous statement in, as part of your, your wording of your question, Mr. Armstrong, is the fact that it was put to a vote.

I think you have to understand the -- well, it was certainly my first experience at the Congress, I'm the new individual on the block, and I had not had the benefit of attending previous IAAF Congress, but we are

issued voting cards but we never use them -- from the standpoint that basically the modus operandi is by general consensus.

5 It was quite late in the morning, I think that a number of delegates were hungry for, for lunch, and the president of the Association just put it to consensus and general applause. So instead of the usual, usual question, "Those in favour please signify", it was, "Do we generally agree?" and (witness claps), Primo led the
10 charge.

And basically that is how it was, it was put to, to, to --- on, on the record and I guess this is a historical moment. But that's generally speaking how it, how it occurred.

15 Q. I see.

Well, I guess in all of that, then, we can't really determine what Canada did? I thought you were going to say you abstained ---

20 THE COMMISSIONER: There was, there was a vote later, wasn't there?

THE WITNESS: Well, there was a vote later upon return because -- well, tremendous confusion arose. 80 percent of the people who applauded thought we were breaking for lunch.

25 THE COMMISSIONER: They thought there was a

motion to adjourn?

THE WITNESS: Well, therefore breaking for lunch, and you're quite right, coming back then it was put to a vote and then Canada was put in the position you just describe.

Ironically, and I think it's important that you know this, Mr. Commissioner, a number of the speakers who were all in favour of retroactivity and who are supporting tougher measures and who are supporting the introduction of those rules in a package, took the floor, took the microphone and, and spoke in --- indicating that a large -- well, in indicating thank you to Canada, thank you for the Commission of Inquiry.

Without the Commission of Inquiry we would not be in a position to know what we know now, and we would not be in a position to introduce this great set of rules.

And at the same time that we were saying that, the same speakers were voting on something that was clearly targeted to Canada.

So there was an obvious dichotomy there, but nevertheless it got passed and it's now, it's now in the rule book of the IAAF.

MR. ARMSTRONG:

Q. And where did Canada have to end up on this issue so far as voting?

THE COMMISSIONER: He abstained, he said.

THE WITNESS: That's right.

MR. ARMSTRONG:

Q. In the final analysis, because of the invidious position you were in of having all the good resolutions that you wanted to support, you couldn't be seen to be voting against those, so you had to abstain?

A. Accurate.

MR. ARMSTRONG: All right.

I'm going to file this submission. I'm sorry, in looking at my notes there was one other -- and I didn't realize or I would have taken your invitation at 1 o'clock to break. There is one other issue that I did want to canvass with Mr. Dupre. I don't know how long it's going to take ---

THE COMMISSIONER: I don't want to hurry you, Mr. Armstrong.

MR. ARMSTRONG: It's the important issue of what investigative machinery is now in place by the CTFA to deal with these problems ---

THE COMMISSIONER: Perhaps we should adjourn till 2:15 then -- or do you want to break for five

minutes and get organized for this?

MR. ARMSTRONG: I'm organized. I just don't know how long Mr. Dupre will be in describing ---

THE COMMISSIONER: I'm not in a hurry. I'm
5 not in Barcelona; I'm not hungry for lunch.

THE WITNESS: Well, the distinction, Mr. Commissioner, with all due respect is when there are lunch breaks in Barcelona, there is a sponsor that's putting on some kind of a lunch.

10 THE COMMISSIONER: Are you making a suggestion here?

THE WITNESS: It's for you to draw your own conclusions, sir.

THE REGISTRAR: 288.

15 THE COMMISSIONER: No, I thought you were going to put Canada's position was presented to the -- is that what this is?

MR. ARMSTRONG: Canada's position as presented on the floor of the Congress. Was this read?

20 THE WITNESS: Very much so, yes

MR. ARMSTRONG:

Q. By you or Mr. Ouellette?

A. By Mr. Ouellette.

25 MR. ARMSTRONG: Can we have this marked

then as the ---

THE COMMISSIONER: 288.

THE REGISTRAR: 288.

5 --- EXHIBIT NO. 288: Two-page document entitled
"Canadian Track and Field
Association Position on the
Control of Drug Abuse."

10 MR. ARMSTRONG:

Q. Then finally, Mr. Dupre, I apologize,
you ---

15 THE COMMISSIONER: Will you just give me a
moment while Mr. Dupre is here. I just want to read this,
Mr. Armstrong.

Well, it does set out, I think, the position
that you stated that you took over there. It's very
clearly presented. Thank you. 288.

All right, Mr. Armstrong.

20 MR. ARMSTRONG:

Q. All right, Mr. Dupre, just before we
came in after the break, you mentioned to me that there
are some new initiatives that have taken place in the last
25 few months by way of setting up a, an investigative

procedure or investigative machinery to deal with the doping problem beyond just the testing aspect, and could you just take a moment ---

5 THE COMMISSIONER: Within what, within CTFA?

MR. ARMSTRONG: I believe within the CTFA.

THE WITNESS: I think that it's not only specific to doping but it is specific to ---

THE COMMISSIONER: Any ---

10 THE WITNESS: --- to matters that could arise where management or governors of the organization feel desirable to investigate or pursue further.

I think it's important that we remind the Commission that immediately following the Seoul incidents,
15 pressure was put on the Canadian Track and Field Association, consistent with the IAAF rules as M. Ouellette presented earlier, to actually carry out an investigation on the positive tests at the Olympic Games in Seoul. I mean, that's clearly on the rule book of the
20 IAAF.

Our reply was a very short and polite one saying we certainly intend to carry that mandate and we do, however, have a mechanism that has been put in place in this regard and it's called the Commission of Inquiry
25 established by Order in Council, and this is how we are

going to clarify it, this is how we intend to deal with this matter.

At the same time it was our board of directors' view that we needed to go about more and increased information on a number of alleged statements made by athletes, on a number of behaviour ---

THE COMMISSIONER: Well, Mr. Armstrong was asking you, do you have the machinery in place? Is that the question, I think.

MR. ARMSTRONG: Yes.

THE WITNESS: So the actual board at that time created under the board of directors an investigative body and created at the same time a board of investigation and that is consistent ---

THE COMMISSIONER: Do you have rules ---

THE WITNESS: --- to rule of the CTFA which is called Rule 181 whereby upon any such circumstances we can carry out investigations.

What we did with that investigation, and with our experience with it, is that at the annual general meeting last June, in June 1989, we introduced not only an expansion of Rule 181, now allowing us to clearly go into an investigation without requesting zillions of hard evidence, but proceed within our rules to try to seek clarification for any matter that is brought in front of

us ---

THE COMMISSIONER: Is that, is that -- is there a procedure set up for that now?

THE WITNESS: Yes, and it is part of our
5 by-laws and our regulations.

And over and above that I think it is important to say that we have made a distinction between general matters and doping matters.

And specifically to doping matters, at that
10 same annual general meeting we had introduced a provision by which at this moment any information presented to us based on utilization of banned substances or other banned practices can be immediately investigated by a three -- a consensus of three votes out of four individuals without
15 having to go through a great consultation process.

We now have on the books a procedure by which an agreement by myself, the chairman of the Doping Solutions Committee, the athlete representative on the Doping Solutions Committee of the CTFA, as well as the
20 competitions coordinator, any consensus of three out of those four individuals, based on information brought forward, immediately leads to investigation.

And that has been approved by our membership at the June annual general meeting.

25 THE COMMISSIONER: But what happens if

somebody comes forth, well intended or for their own private purpose, to give information which would be helpful but which would at the same time disclose their own violation, what happens to that person in this
5 investigative process? Is he immediately suspended?

THE WITNESS: Well, we certainly have not experienced that, any such situation ---

THE COMMISSIONER: If, if he's going to be disciplined for that, then he's certainly not going to
10 come forward?

THE WITNESS: Well, I think in this regard, Mr. Commissioner, we have to take it in the context of the new rules that have just been adopted by the IAAF and admission now constitutes -- liable is not the word I'm
15 looking for --

THE COMMISSIONER: Liability?

THE WITNESS: An admission is going to be treated in the same manner as a positive test, and that's how we would have to conclude our investigation, tied with
20 the new rules.

THE COMMISSIONER: But in any event you have a system now set up for an investigative body?

THE WITNESS: Very much so. That has now been approved and is on the rule books since June 1989.

25 THE COMMISSIONER: Good, thank you.

MR. ARMSTRONG: Thank you very much. Those are all the questions I have?

THE COMMISSIONER: Any questions, Mr. Bourque?

5 MR. BOURQUE: No questions.

THE COMMISSIONER: Well, Professor Macintosh who was here the other day said we have a great window of opportunity here to address the future, and I want to thank you very much for your help.

10 THE WITNESS: We thank you. We certainly believe in the window of opportunity and there are a number of viewpoints, Mr. Commissioner, that we will include in our submission in this regard.

15 THE COMMISSIONER: Thank you. Any applause for lunch?

THE WITNESS: Or for performance.

THE COMMISSIONER: Yes, Mr. Armstrong, what's your schedule?

20 MR. ARMSTRONG: Mr. Commissioner, as I indicated a few minutes ago, arrangements have been made to have Professor Lundquist attend on Monday morning at 10 o'clock, and also because of various scheduling problems that we have experienced this week with travel plans of other witnesses, we propose to go over to Monday, hear
25 Professor Lundquist's evidence first thing at 10 o'clock

Monday morning, followed by Ms. Hoffman of Sport Canada,
and then Mr. Lyle Makosky, assistant deputy minister of
fitness and amateur sport.

5 THE COMMISSIONER: And you may have another
witness, too?

MR. ARMSTRONG: We may have one other
witness, too.

10 THE COMMISSIONER: All right. Monday
morning at 10 o'clock.

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